



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Full Analysis

HEARING DATE MAY 17, 2018  
CONTINUED FROM MAY 10, 2018

*Date:* May 11, 2018  
*Case No.:* **2009.1011DRP**  
*Project Address:* **1863 MISSION STREET**  
*Permit Application:* 2006.0327.7584  
*Zoning:* Mission Street NCT (Neighborhood Commercial Transit) Zoning District  
40-X & 65-X Height and Bulk District  
*Block/Lot:* 3548/033  
*Project Sponsor:* Stephen Antonaros  
2261 Market Street #324  
San Francisco, CA 94103  
*Staff Contact:* Linda Ajello Hoagland – (415) 575-6823  
[linda.ajellohoagland@sfgov.org](mailto:linda.ajellohoagland@sfgov.org)  
*Recommendation:* **Do not take DR and approve the Project as proposed**

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The project includes the construction of a four- to eight-story, approximately 39-feet, 7-inches to 65-foot tall 37,441 square feet (sq. ft.) mixed-use building with 37 dwelling units, 1,425 sq. ft. of ground floor retail, 16 off-street parking spaces, 37 Class 1 bicycle parking spaces and 6 Class 2 bicycle parking spaces. The dwelling unit mix includes 16 studios, 6 one-bedroom and 15 two-bedroom units. The Project includes 4,822 sq. ft. of usable open space through a combination of private and common open space. Three new trees would be planted adjacent to the subject property along Mission Street and three new trees along the frontage on Minna Street. The existing curb cut on Mission Street will be removed and replaced with new sidewalk.

### SITE DESCRIPTION AND PRESENT USE

The site ("Project Site"), Lot 033 in the Assessor's Block 3548, is a through lot to Minna Street, located on the east side of Mission Street, between 14<sup>th</sup> and 15<sup>th</sup> Streets in the Mission Street Neighborhood Commercial Transit (NCT) Zoning District. The property is currently vacant and used as a surface parking lot. The subject property is located mid-block with a street frontage of 50 feet on Mission Street and 50 feet on Minna Street. The Project Site is 8,000 square feet.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located along a mixed-use corridor within the Mission Area Plan. The Project Site has two frontages: Mission Street, which is a two-way street with parallel on-street parking on both sides of the street; and Minna Street, which is a one-way street with parallel on-street parking on one side of the

street. The immediate context is mixed in character with a mix of residential commercial and industrial uses. The surrounding buildings vary in appearance and height; two- and three-story buildings are generally multifamily residential in character and consist of wood-frame construction, while the shorter one- and two-story buildings are of more industrial appearance consisting of masonry and concrete construction materials. The State Armory and Arsenal is on the west side of Mission Street across from the project site; this building reaches a maximum height of approximately 65 feet, is clad entirely in brick, and is unique in its architectural form. Access to Highway 101 and Interstate 80 is about 0.6 miles from the Project site at the on- and off-ramps located at South Van Ness Avenue and the Central Freeway. The Project Site is located along Mission Street, which is a high injury pedestrian and vehicular corridor. Other zoning districts in the vicinity of the Project Site include: UMU (Urban Mixed-Use); RTO-M (Residential Transit Oriented-Mission); and, P (Public).

## ISSUES AND CONSIDERATIONS

- Inclusionary Affordable Housing: The Project has elected the on-site affordable housing alternative, identified in Planning Code Section 415. The Project's Environmental Evaluation Application was submitted and deemed complete prior to January 1, 2013; therefore the Project requires that twelve (12) percent of the total number of units be designated as part of the inclusionary affordable housing program. The Project contains 37 units and the Project Sponsor will fulfill this requirement by providing the 4 affordable units on-site, which will be available for ownership.
- Variance: Planning Code Section 134 requires the subject property to maintain a rear yard equal to 25 percent of the lot depth at the lowest story containing a dwelling unit, and at each succeeding level or story of the building, or 45 feet. Planning Code Section 134(e)(1) permits this requirement to be modified or waived in NC Districts by the Zoning Administrator if certain criteria are met. The proposal includes a rear yard that does not span the entire width of the lot and meets the criteria of Planning Code Section 134(e)(1), necessitating a rear yard modification.

## BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
312 Notice	30 days	February 20, 2018 – March 22, 2018	March 16, 2018	May 17, 2018	48 days

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	April 30, 2018	May 1, 2018	15 days
Mailed Notice	10 days	April 30, 2018	April 30, 2018	16 days

## PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	14	1	0
Other neighbors on the block or directly across the street	0	0	0
Neighborhood groups	0	1	0

The Department received a total of 52 comments and signatures in support of the Project and two in opposition.

The Project has completed the Section 312 notification. During the Section 312 notification period, a Discretionary Review was filed on March 16, 2018. A Discretionary Hearing date was scheduled for May 10, 2018.

## DR REQUESTOR

The DR Requestor is Kelly Hill, 1875 Mission Street, Unit 110, on behalf of “Our Mission No Eviction.”

## DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES

**Issue #1:** The DR Requestor states that the Project is in direct conflict with the General Plan Priority Policy 1, which states that *existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced*. The DR Requestor states that this Project, comprised of high-end commercial space, would create an upward price pressure on nearby commercial tenants and that a large commercial space would not be available to smaller, locally serving businesses. The Project would most likely result in additional changes to the character of the neighborhood by pricing out small businesses.

**Issue #2:** The DR Requestor states that the Project is in direct conflict with the General Plan Priority Policy 2, which states that *existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods*. The DR Requestor states that this Project comprised of high-end commercial space with its high ceilings and glass windows are out of character for Mission Street. The Project is in direct conflict with preserving the cultural diversity of the Mission and leads potential community serving businesses and longtime residents to feel that they no longer belong in the neighborhood.

**Issue #3:** The DR Requestor states that the Project is in direct conflict with Mission Area Plan Objective 2.1 – Policy 2.3.2, which states to *prioritize the development of affordable family housing, both rental and ownership, particularly along transit corridors and adjacent to community amenities*. The DR Requestor states that the project would include only four below market rate units of the total 37 units and that, considering the current affordable housing and displacement crisis, it does not come close to meeting the requirements. Clearly affordable family housing has not been prioritized for the project which is located on one of the busiest transit corridors.

**Issue #4:** The DR Requestor states that the Project is in direct conflict with Mission Area Plan Objective 2.4, which states that *Discretionary Review should be limited as much as possible while still ensuring adequate community review*. The DR Requestor states that because the Project Sponsor put the Project on hold after its initial submission on October 23, 2009, withdrew from the Planning Commission Hearing on January 18, 2018 when the Mission Interim Controls expired and subsequently began a rapid succession of approval steps, there has not been sufficient time for community review and opportunity for input on the Project.

Reference the *Discretionary Review Application* for additional information. The *Discretionary Review Application* is an attached document.

## PROJECT SPONSOR'S RESPONSE

1. The Project Sponsor states that there are no exceptional or extraordinary circumstances that justify the exercise of DR, and no further delays are warranted. The project meets the Planning Code and is consistent with the General Plan and the expired Mission Interim Controls for the following reasons:
  - Design is appropriate for the location.
  - The Project provides required 12% on-site affordable units.
  - Project does not displace any PDR use or local business.
  - Ground floor commercial space is limited to only 1,425 square feet.
2. The Project Sponsor has offered to subdivide the commercial space into smaller spaces and/or to lease half to a non-profit at one-half market rent for ten years. The offer has not been accepted to date.
3. The Project will add 37 units to the City's housing stock, including 15 two-bedroom, family-sized units and will replace long vacant site that has been a blight to the neighborhood with a high quality mixed-income development.

Please refer to the *Response to Discretionary Review* for additional information (See Attached).

## PROJECT ANALYSIS

Department staff reviewed the DR Requestor's concerns with the Project and presents the following comments:

Issues #1, #2 and #3 – The Department supports the project as proposed in that the Project Sponsor will provide four below market rate units or twelve percent, in accordance with Planning Code Section 415. The project site does not possess any existing housing. The Project would provide 37 new dwelling units, thus resulting in an overall increase in the neighborhood housing stock. In addition, the Project would include ground floor commercial use with a code compliant ground floor ceiling height, transparency and fenestration, as required by Planning Code Section 145, which will activate the street contribute toward the neighborhood character and the economic diversity of the neighborhood. The Project



currently offers a treatment that is contemporary, yet contextual and will relate well to the scale and form of the surrounding neighborhood.

Issue #4 – The Project application was determined to be complete by staff on November 7, 2017 and scheduled it for the Planning Commission Hearing on December 7, 2017. Following the publishing of the Notice for the January 18, 2018 Planning Commission Hearing, it was realized by staff that the Mission Interim Controls would expire prior to the hearing date, thus eliminating the requirement for a Large Project Authorization and instead require only a variance. Subsequently, the Large Project Authorization was withdrawn from the Planning Commission Hearing Agenda and scheduled for a Variance Hearing. Additionally, the Site Permit for the Project was submitted in 2006, which pre-dated the requirement for a Pre-Application Meeting. However, based on the recommendation of staff, the Sponsor conducted a Pre-Application Meeting on February 8, 2018. The Department finds that the Project is consistent with the Zoning and General Plan and is of appropriate design, scale and massing for the neighborhood.

## **ENVIRONMENTAL REVIEW**

On March 19, 2015, the Project was determined to be exempt from the California Environmental Quality Act (“CEQA”) per Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3 as described in the Certificate of Determination contained in the Planning Department files for this Project (Case No. 2009.1011E).

## **RESIDENTIAL DESIGN ADVISORY TEAM REVIEW**

The proposed project is not located within a residential zoning district, and is not subject to the Residential Design Guidelines. Therefore, the proposed project was not reviewed by the Residential Design Advisory Team.

## **URBAN DESIGN ADVISORY TEAM REVIEW**

On June 27, 2017, the Planning Department’s Urban Design Advisory Team (UDAT) reviewed the response to the Request for Discretionary Review. UDAT provides design review for projects not subject to the Residential Design Guidelines and determined the Project’s intended uses and overall massing and scale to be compatible with the neighborhood and consistent with the General Plan. However, UDAT did suggest that some measures that the Sponsor might consider to enhance its contextuality, such as improved detailing of windows such as deep recesses and window trim; as well as materials chosen, detailed and scaled to be respectful of the higher qualities of the surroundings. The Sponsor has submitted a window detail which shows that they have been designed as suggested by UDAT.

**Under the Commission’s pending DR Reform Legislation, this project would be referred to the Commission, as this project involves new construction.**

## **BASIS FOR RECOMMENDATION**

- The Project complies with the applicable requirements of the Planning Code.
- The Project is consistent with the objectives and policies of the General Plan and Mission Area Plan.

- The Project is located in a zoning district where residential and ground floor retail uses are principally permitted.
- The Project is consistent with and respects the varied neighborhood character, and provides an appropriate massing and scale for the adjacent contexts.
- The Project complies with the First Source Hiring Program.
- The Project produces a new mixed-use development with ground floor retail and significant site updates, including landscaping and common open space.
- The Project is consistent with and respects the existing neighborhood character, and provides an appropriate massing and scale for a mid-block site.
- The Project adds 37 new dwelling units to the City's housing stock, including 16 studios, 6 one-bedroom and 15 two-bedroom.
- The Project adds on-site affordable housing units, and will designate 12% of the total number of base project dwelling units (or 4 dwelling units) as part of the inclusionary affordable housing program.
- The Project will fully utilize the Eastern Neighborhoods Area Plan controls, and will pay the appropriate development impact fees.

<b>RECOMMENDATION:</b>	<b>Do not take DR and approve as proposed.</b>
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**Attachments:**

Block Book Map  
Sanborn Map  
Zoning Map  
Height & Bulk Map  
Aerial Photographs  
Context Photos  
Section 312 Notice  
CEQA – Community Plan Exemption  
Public Comment  
DR Application  
Response to DR Application  
Reduced Plans

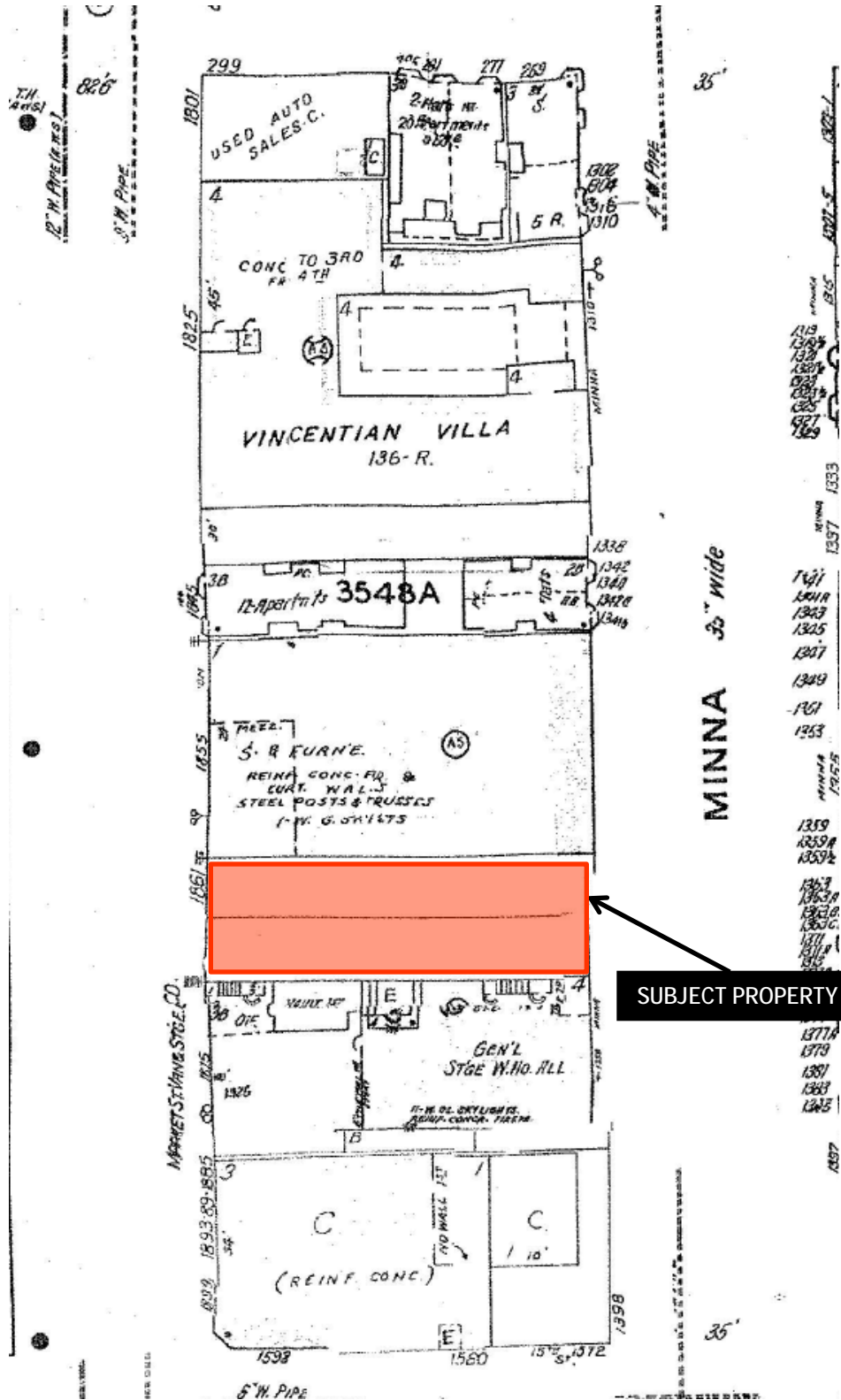
## 141H

15<sup>TH</sup>

Discretionary Review  
**Case Number 2009..1011DRP**  
 1863 Mission Street



# Sanborn Map\*

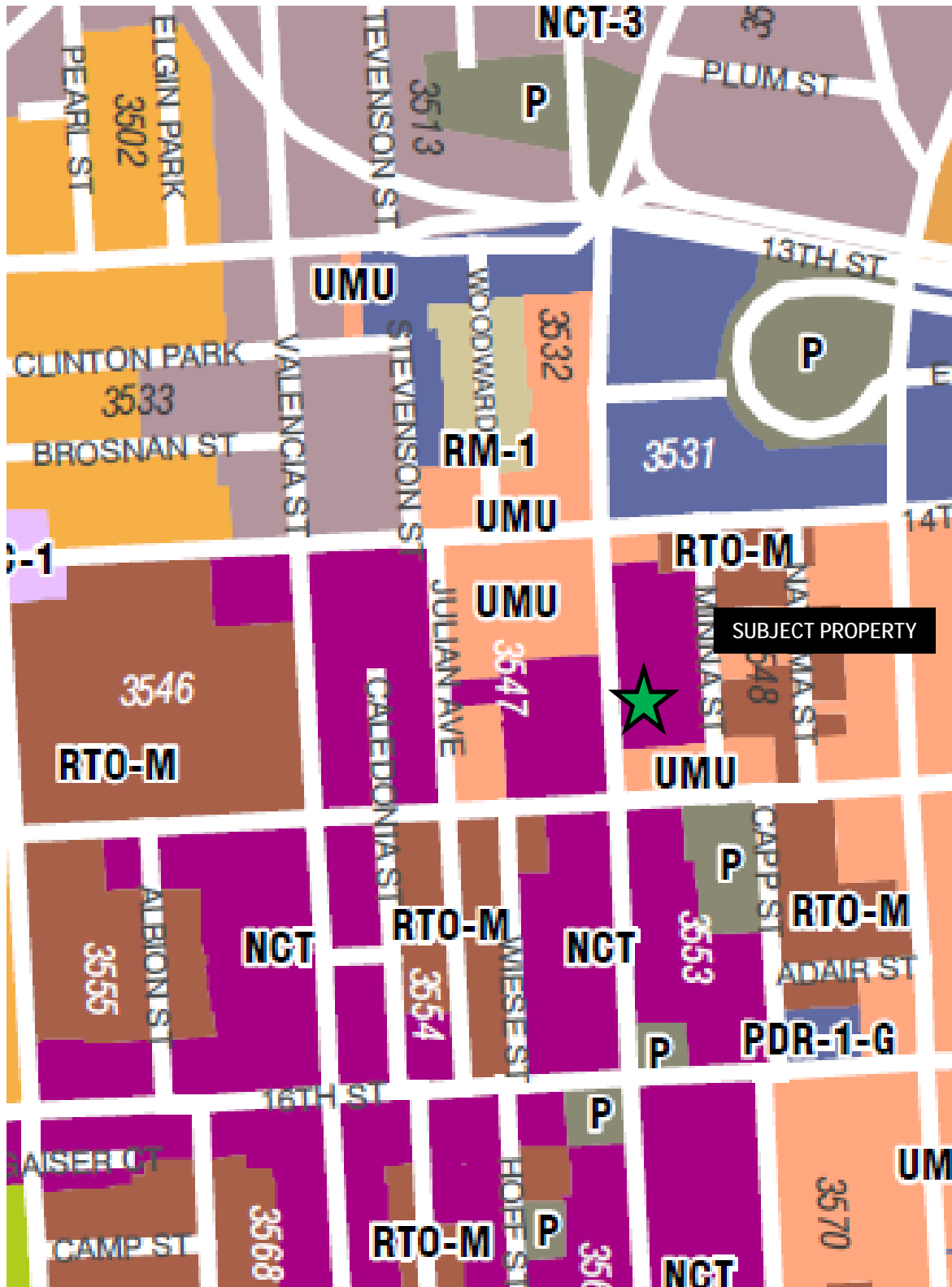


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Discretionary Review  
Case Number 2009..1011DRP  
1863 Mission Street

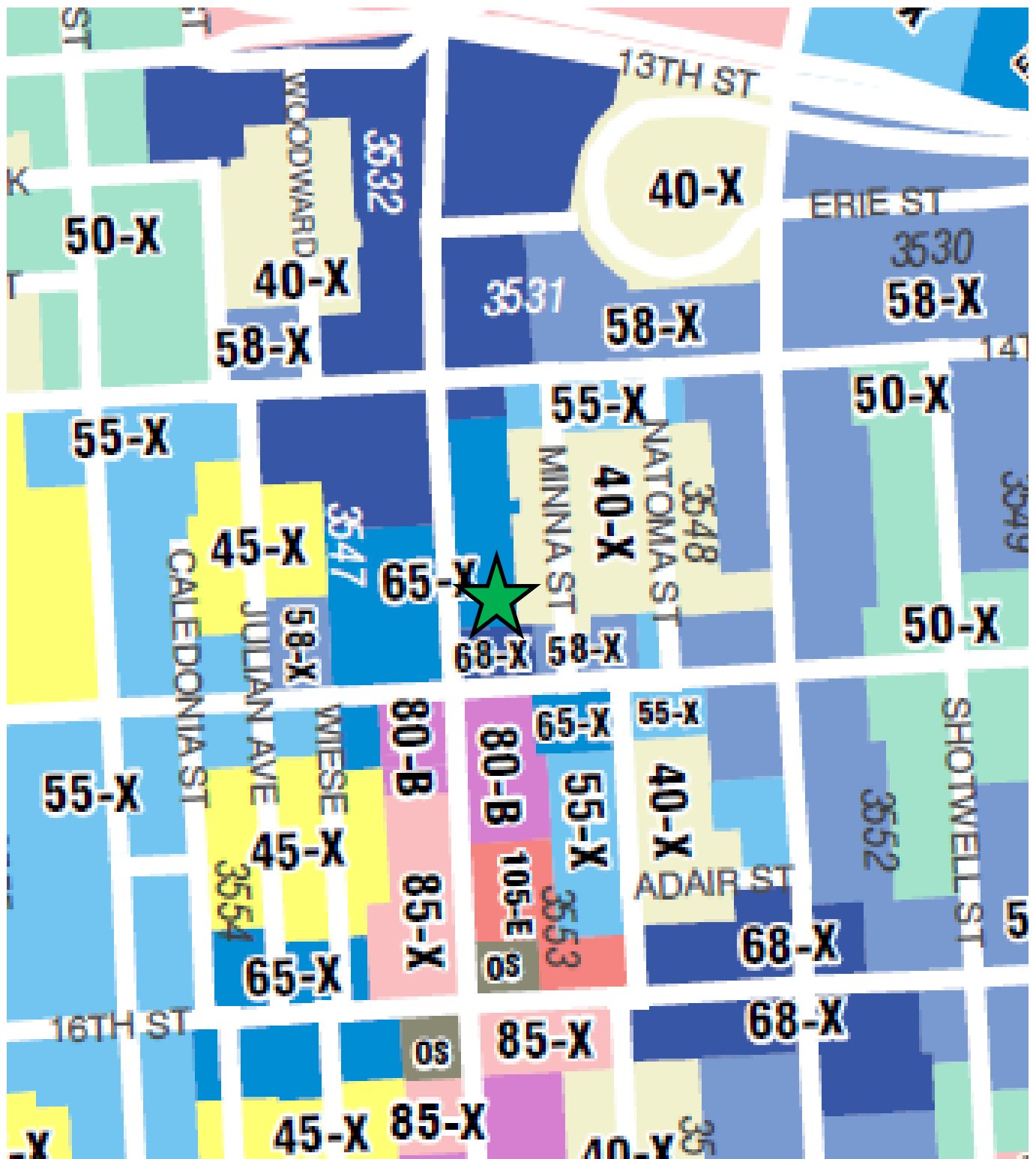


# Zoning Map



Discretionary Review  
Case Number 2009.1011DRP  
1863 Mission Street

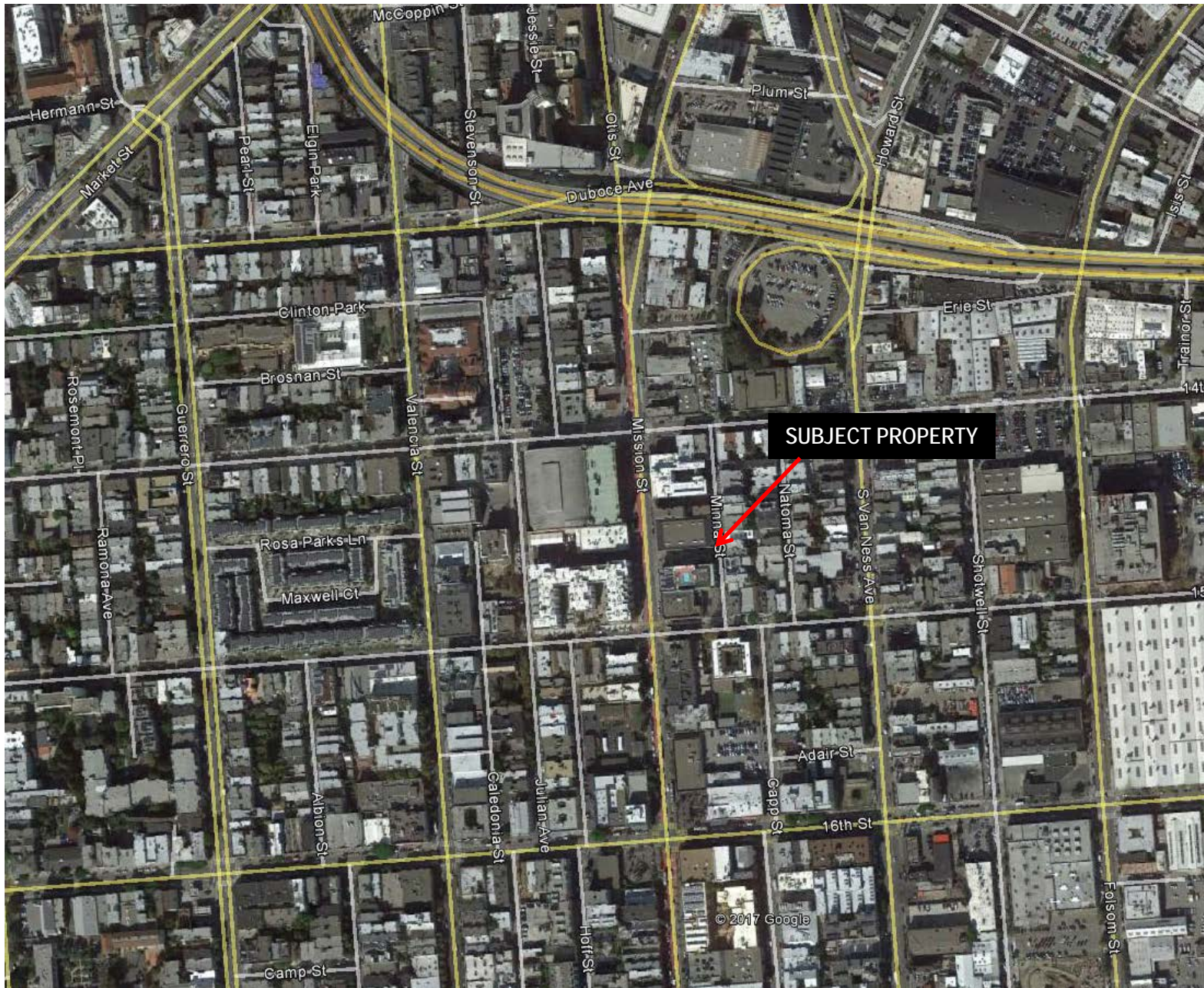
# Height and Bulk Map



Discretionary Review  
Case Number 2009.1011DRP  
1863 Mission Street



# Aerial Photo



Discretionary Review  
Case Number 2009.1011DRP  
1863 Mission Street

# Aerial Photo



Discretionary Review  
Case Number 2009.1011DRP  
1863 Mission Street



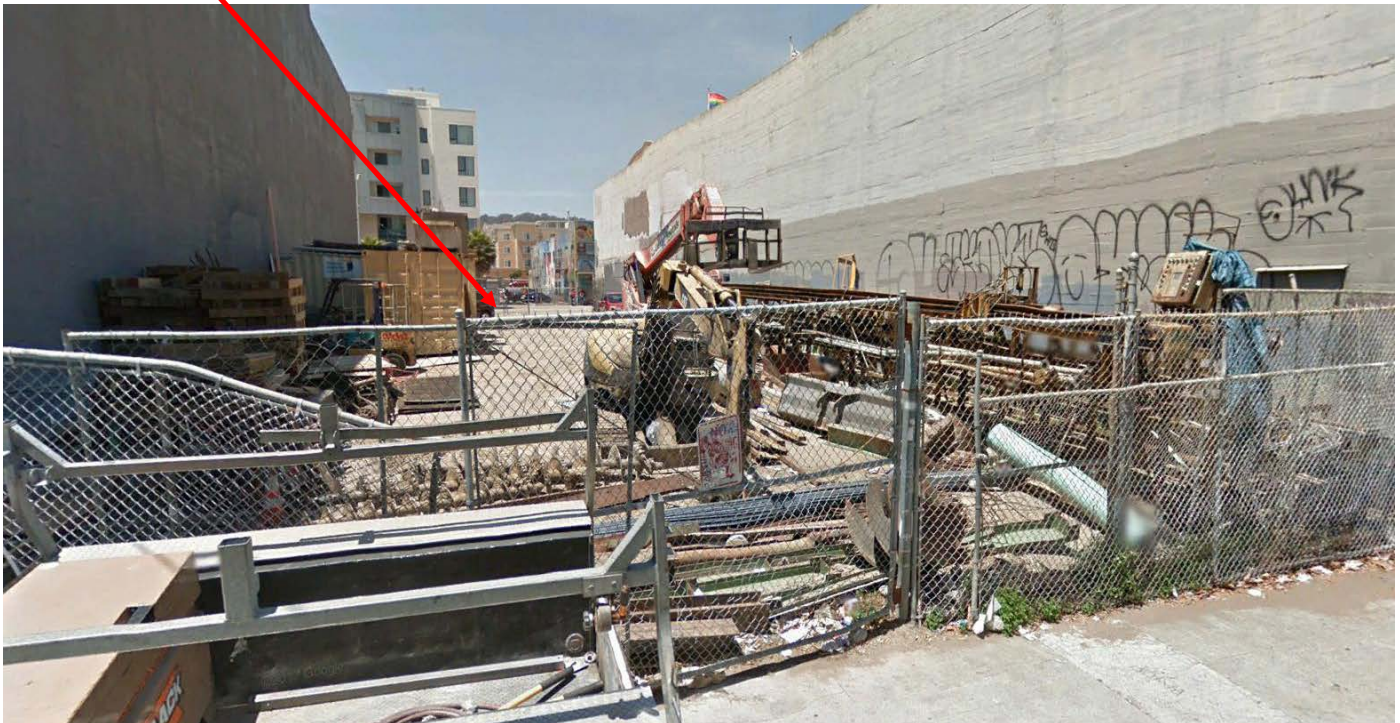
# Context Photos

## SUBJECT PROPERTY ON MISSION STREET



**SUBJECT PROPERTY**

## SUBJECT PROPERTY ON MINNA STREET

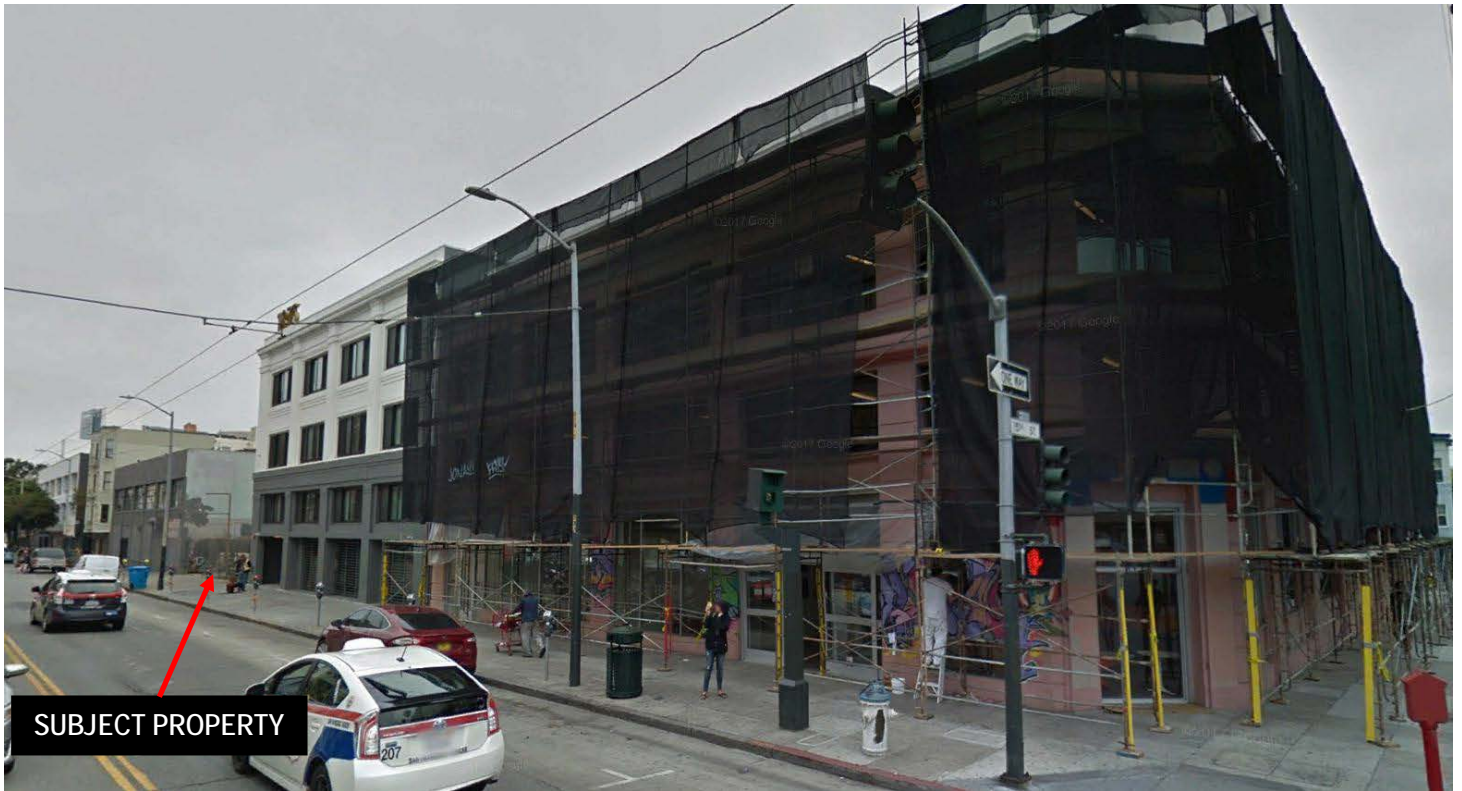


Discretionary Review  
Case Number 2009.1011DRP  
1863 Mission Street



# Site Photo

## PORTION OF SUBJECT BLOCK ON MISSION STREET

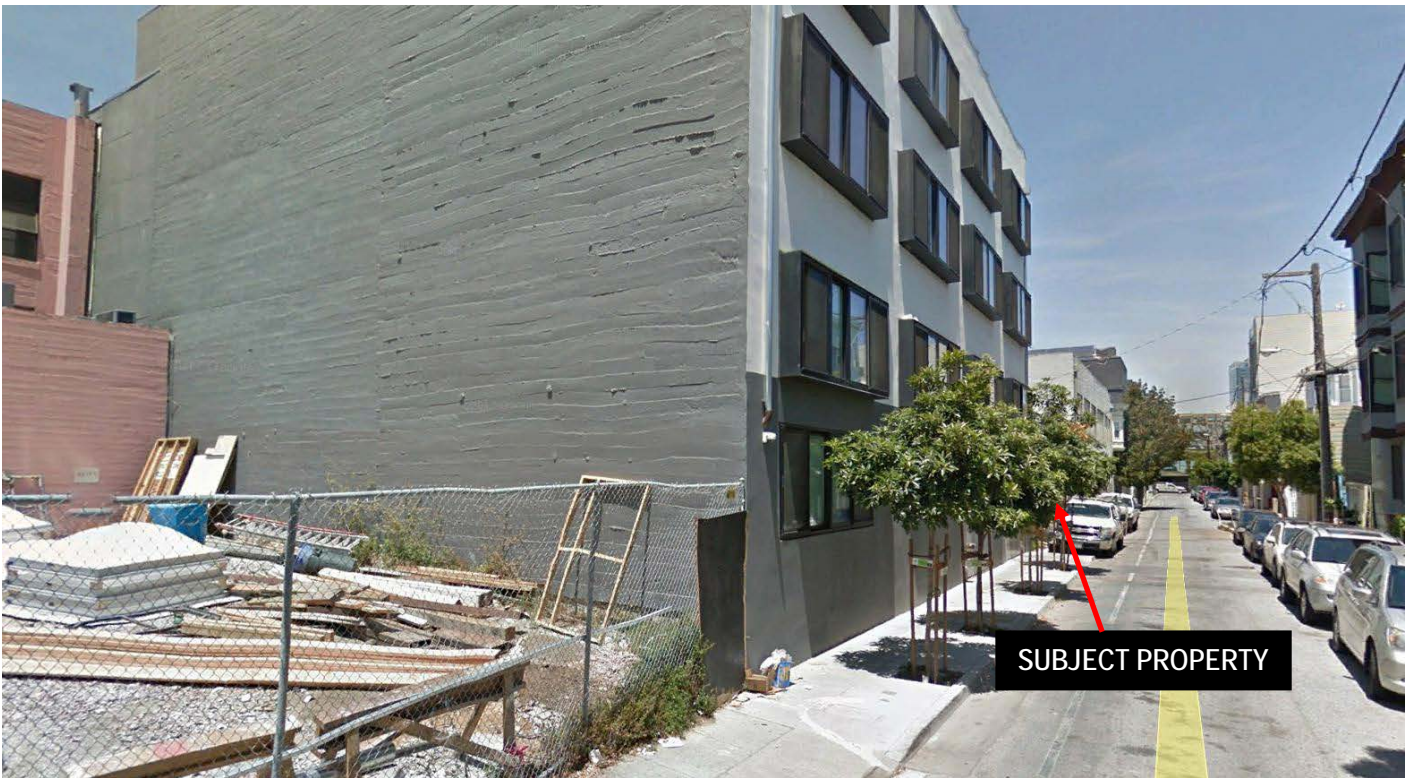
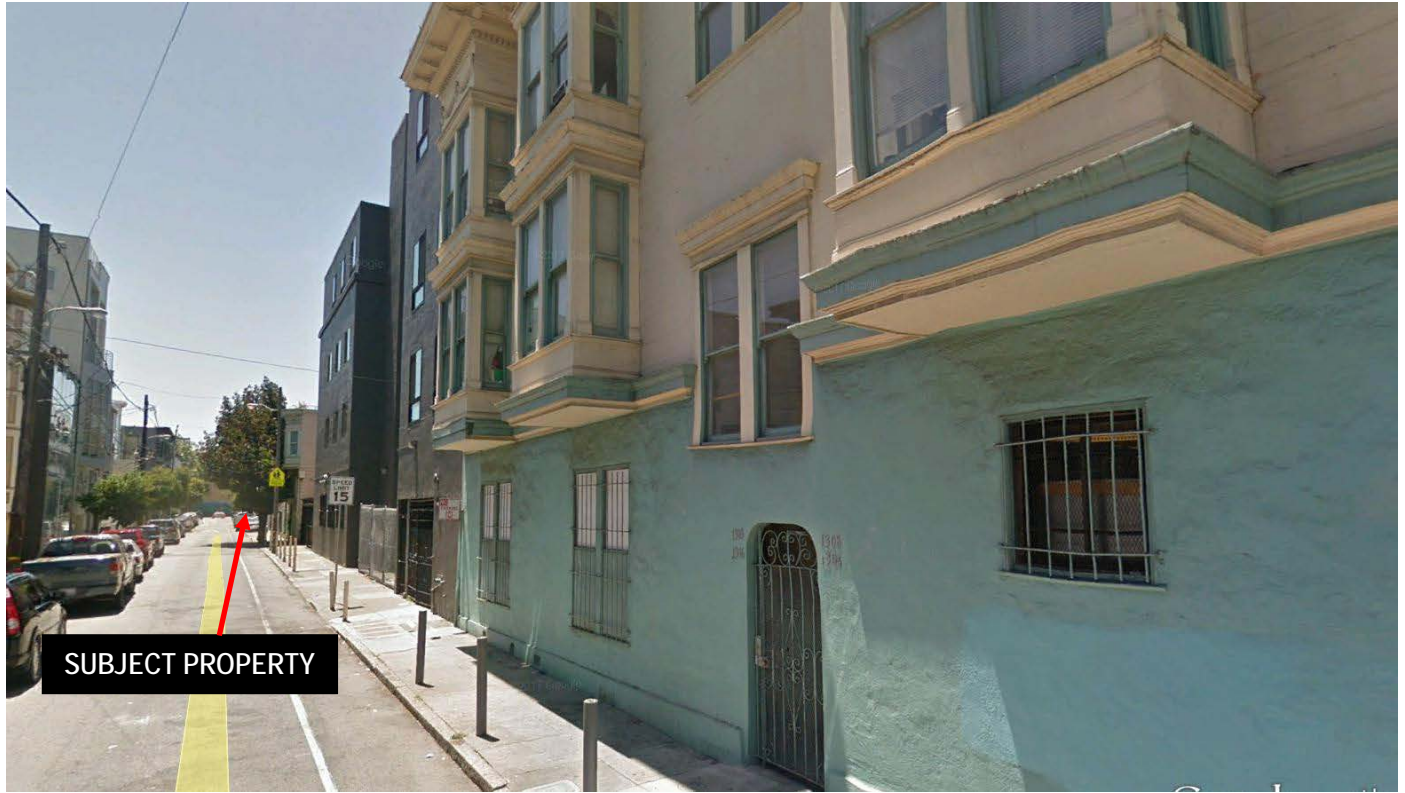


Discretionary Review  
Case Number 2009.1011DRP  
1863 Mission Street



# Site Photo

## PORTION OF SUBJECT BLOCK ON MINNA STREET

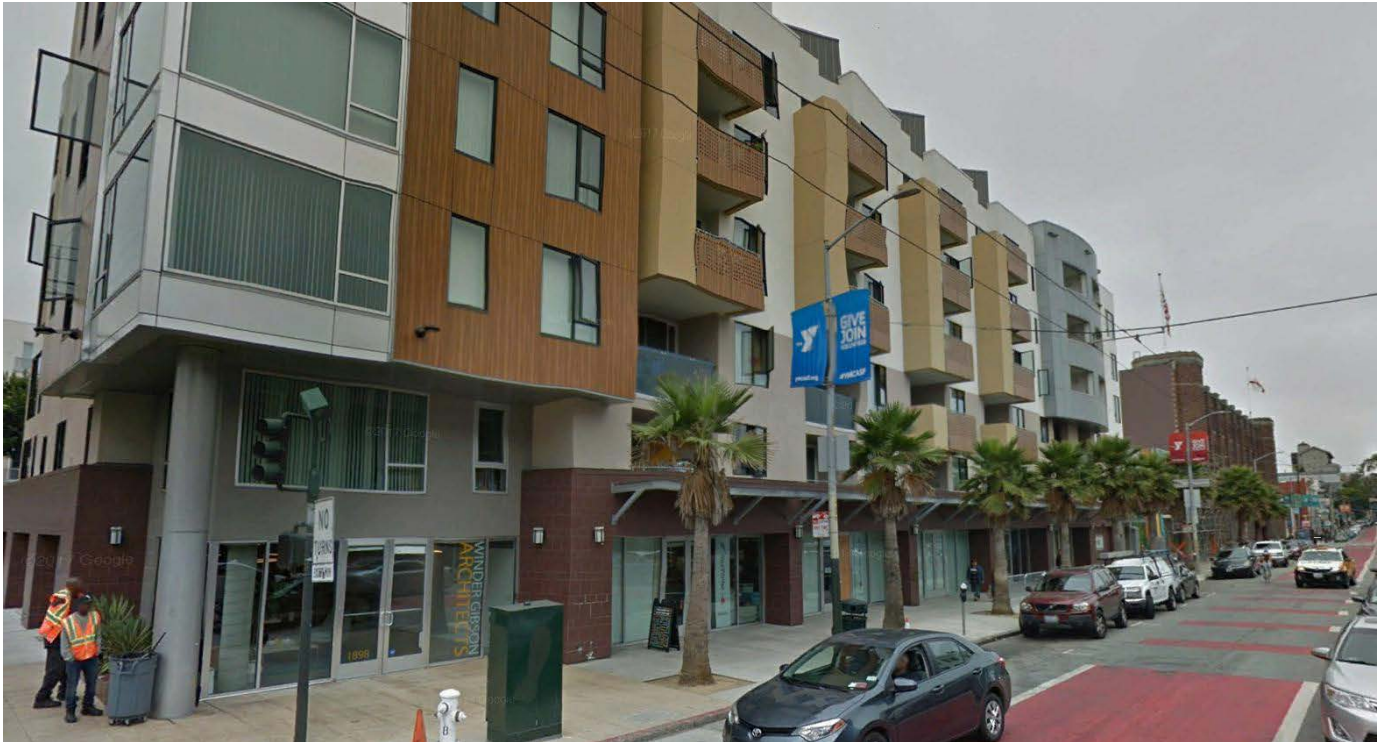


Discretionary Review  
Case Number 2009.1011DRP  
1863 Mission Street



# Site Photo

## PORTION OF OPPOSITE BLOCK ON MISSION STREET



## PORTION OF OPPOSITE BLOCK ON MINNA STREET



Discretionary Review  
Case Number 2009.1011DRP  
1863 Mission Street



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 312)

On **March 27, 2006**, the Applicant named below filed Building Permit Application No. **2006.03.27.7584** with the City and County of San Francisco.

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	<b>1863 Mission Street</b>	Applicant:	<b>Stephen Antonaros</b>
Cross Street(s):	<b>14<sup>th</sup> and 15<sup>th</sup> Streets</b>	Address:	<b>2261 Market St. #324</b>
Block/Lot No.:	<b>3548/033</b>	City, State:	<b>San Francisco, CA 94103</b>
Zoning District(s):	<b>NCT / 40-X &amp; 65-X</b>	Telephone:	<b>(415) 864-2261</b>
Record No.:	<b>2009.1011</b>	Email:	<a href="mailto:santonaros@gmail.com"><b>santonaros@gmail.com</b></a>

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Vacant Lot	Residential
Front Setback	N/A	None (@Mission St.)
Side Setbacks	N/A	None
Building Depth	N/A	80 – 160 feet
Rear Yard	N/A	0 to 80 feet (@Minna Street)
Building Height	N/A	39-feet, 7-inches to 66-feet
Number of Stories	N/A	4- to 7-stories
Number of Dwelling Units	N/A	37
Number of Parking Spaces	N/A	16
PROJECT DESCRIPTION		
<p>The project includes the construction of a four- to seven-story, 39-foot, 7-inches to 66-foot tall, 37,441 sq. ft. mixed-use building with 37 dwelling units, approximately 1,425 sq. ft. of ground floor retail use, and 16 off-street parking spaces on a vacant lot. The Project requires variances for Rear Yard and Commercial Street Frontage (from Planning Code Sections 134 and 145.1(c)(6)) from the Zoning Administrator in which a Variance Hearing will be scheduled for a future date. A separate notice for the Variance Hearing will be sent out.</p> <p>The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.</p>		

**For more information, please contact Planning Department staff:**

Planner: Linda Ajello Hoagland  
Telephone: (415) 575-6823  
E-mail: [linda.ajellohoagland@sfgov.org](mailto:linda.ajellohoagland@sfgov.org)

Notice Date: 2/20/18  
Expiration Date: 3/22/18

# GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, please contact the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00am - 5:00pm Monday-Friday. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

If you believe that the impact on you from the proposed project is significant and you wish to seek to change the project, there are several procedures you may use. **We strongly urge that steps 1 and 2 be taken.**

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at [www.communityboards.org](http://www.communityboards.org) for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at [www.sfplanning.org](http://www.sfplanning.org). You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at [www.sfplanning.org](http://www.sfplanning.org). If the project includes multiple building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you.**

**Incomplete applications will not be accepted.**

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

## BOARD OF APPEALS

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

## ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at [www.sfplanning.org](http://www.sfplanning.org). An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.





# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2009.1011E  
Project Address: 1801 and 1863 Mission Street  
Zoning: UMU (Urban Mixed Use) and Mission Street NCT  
(Neighborhood Commercial Transit), respectively  
68-X and 40-X/65-X, respectively  
Block/Lot: 3548/039 and 3548/033, respectively  
Lot Size: 3,600 square feet and 8,000 square feet, respectively  
Plan Area: Eastern Neighborhoods (Mission)  
Project Sponsor: Stephen Antonaros, Architect  
(415) 864-2261, [santonaros@sbcglobal.net](mailto:santonaros@sbcglobal.net)  
Staff Contact: Michael Li  
(415) 575-9107, [michael.j.li@sfgov.org](mailto:michael.j.li@sfgov.org)

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Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The project site consists of two non-contiguous parcels, 1801 Mission Street (Block 3548, Lot 039) and 1863 Mission Street (Block 3548, Lot 033), in San Francisco's Mission neighborhood. Lot 039 is an approximately 3,600-square-foot rectangular parcel on the southeast corner of 14th and Mission streets, and Lot 033 is an approximately 8,000-square-foot rectangular parcel on the east side of Mission Street between 14th and 15th streets. Lot 033 is a through lot that has a second frontage on Minna Street. Both parcels are currently vacant, but there is a small storage shed near the southeast corner of Lot 039. Both parcels were previously used as surface parking lots.

(Continued on next page)

### EXEMPT STATUS

Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3.

### DETERMINATION

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

  
SARAH B. JONES  
Environmental Review Officer

March 19, 2015  
Date

cc: 1801 Mission LLC and 1863 Mission LLC, Project Sponsor  
Chris Townes, Current Planning Division  
Supervisor David Campos, District 9

Vima Byrd, M.D.F.  
Exclusion/Exemption Dist. List



# SAN FRANCISCO PLANNING DEPARTMENT

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## Community Plan Exemption Checklist

*Case No.:* **2009.1011E**  
*Project Address:* **1801 and 1863 Mission Street**  
*Zoning:* **UMU (Urban Mixed Use) and Mission Street NCT (Neighborhood Commercial Transit), respectively**  
**68-X and 40-X/65-X, respectively**  
*Block/Lot:* **3548/039 and 3548/033, respectively**  
*Lot Size:* **3,600 square feet and 8,000 square feet, respectively**  
*Plan Area:* **Eastern Neighborhoods (Mission)**  
*Project Sponsor:* **Stephen Antonaros, Architect**  
**(415) 864-2261, [santonaros@sbcglobal.net](mailto:santonaros@sbcglobal.net)**  
*Staff Contact:* **Michael Li**  
**(415) 575-9107, [michael.j.li@sfgov.org](mailto:michael.j.li@sfgov.org)**

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### PROJECT DESCRIPTION

The project site consists of two non-contiguous parcels, 1801 Mission Street (Block 3548, Lot 039) and 1863 Mission Street (Block 3548, Lot 033), in San Francisco's Mission neighborhood (see Figure 1). Lot 039 is an approximately 3,600-square-foot (sf) rectangular parcel on the southeast corner of 14th and Mission streets, and Lot 033 is an approximately 8,000-sf rectangular parcel on the east side of Mission Street between 14th and 15th streets. Lot 033 is a through lot that has a second frontage on Minna Street. Both parcels are currently vacant, but there is a small storage shed near the southeast corner of Lot 039. Both parcels were previously used as surface parking lots.

The proposed project consists of the construction of a new mixed-use building on each of the lots. In total, the proposed project would provide 54 dwelling units (22 studios, five one-bedroom units, and 27 two-bedroom units), approximately 2,125 gross square feet (gsf) of retail space, approximately 740 gsf of office space, 25 off-street parking spaces, 68 Class 1 bicycle parking spaces, and one Class 2 bicycle parking space (see Table 1).

### 1801 Mission Street

At 1801 Mission Street, the project sponsor would construct a seven-story, 68-foot-tall, approximately 22,610-gsf mixed-use building containing 17 dwelling units, approximately 1,110 gsf of ground-floor retail space, approximately 740 gsf of second-floor office space, seven parking spaces, and 28 Class 1 bicycle parking spaces (see Table 1 and Figures 2 through 13). A total of approximately 2,430 sf of usable open space would be provided. The parking garage would be accessed from 14th Street. Of the seven parking spaces being provided, two would be at grade, and the other five would be housed in a mechanical stacker. The Class 1 bicycle parking spaces would be located in secure storage rooms on the first and second floors.



In total, the proposed project would provide 54 dwelling units (22 studios, five one-bedroom units, and 27 two-bedroom units), approximately 2,125 square feet of retail space, approximately 740 square feet of office space, 25 off-street parking spaces, 68 Class 1 bicycle parking spaces, and one Class 2 bicycle parking space.

At 1801 Mission Street, the project sponsor would construct a seven-story, 68-foot-tall, approximately 22,610-square-foot mixed-use building containing 17 dwelling units, approximately 1,110 square feet of ground-floor retail space, approximately 740 square feet of second-floor office space, seven parking spaces, and 28 Class 1 bicycle parking spaces. A total of approximately 2,430 square feet of usable open space would be provided. The parking garage would be accessed from 14th Street. Of the seven parking spaces being provided, two would be at grade, and the other five would be housed in a mechanical stacker. The Class 1 bicycle parking spaces would be located in secure storage rooms on the first and second floors. This building would rest on a mat foundation that is supported by deep-seated piers or densified soils; pile driving could be required. Construction of this building would require the excavation and removal of approximately 1,400 cubic yards of soil.

At 1863 Mission Street, the project sponsor would construct an approximately 35,265-square-foot mixed-use building that would be four stories and 38 feet tall along Minna Street and seven stories and 65 feet tall along Mission Street. The building would contain 37 dwelling units, approximately 1,015 square feet of retail space, 18 parking spaces, 40 Class 1 bicycle parking spaces, and one Class 2 bicycle parking space. A total of approximately 3,790 square feet of usable open space would be provided. The parking garage would be accessed from Minna Street. All 18 parking spaces would be housed in a mechanical stacker. The Class 1 and Class 2 bicycle parking spaces would be inside the building on the first floor. This building would rest on a mat foundation; pile driving would not be required. Construction of this building would require the excavation and removal of approximately 4,100 cubic yards of soil.

## PROJECT APPROVAL

For the purposes of environmental review, the buildings are being analyzed together as if they were a single project. For the purposes of the approval/entitlement process, the buildings are considered two separate projects.

The proposed building at 1801 Mission Street requires the following approvals:

- **Site/Building Permit** (*Planning Department and Department of Building Inspection*)
- **Condominium Map** (*Department of Public Works*)

Issuance of the building permit by the Department of Building Inspection would constitute the Approval Action for the proposed building at 1801 Mission Street. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

The proposed building at 1863 Mission Street requires the following approvals:

- **Site/Building Permit** (*Planning Department and Department of Building Inspection*)
- **Condominium Map** (*Department of Public Works*)

Issuance of the building permit by the Department of Building Inspection would constitute the Approval Action for the proposed building at 1863 Mission Street. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

## COMMUNITY PLAN EXEMPTION OVERVIEW

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: (a) are peculiar to the project or parcel on which the project would be located; (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan with which the project is consistent; (c) are potentially significant off-site and cumulative impacts that were not discussed in the underlying EIR; or (d) are previously identified in the EIR, but which, as a result of substantial new information that was not known at the time that the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for the project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects of the 1801 and 1863 Mission Street project described above, and incorporates by reference information contained in the Programmatic EIR for the Eastern Neighborhoods Rezoning and Area Plans (PEIR).<sup>1</sup> Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods PEIR was adopted in December 2008. The Eastern Neighborhoods PEIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods PEIR also included changes to existing height and bulk districts in some areas, including the project site at 1801 and 1863 Mission Street.

The Planning Commission held public hearings to consider the various aspects of the proposed Eastern Neighborhoods Rezoning and Area Plans and related Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods PEIR by Motion No. 17659 and adopted the Preferred Project for final recommendation to the Board of Supervisors.<sup>2, 3</sup>

In December 2008, after further public hearings, the Board of Supervisors adopted and the Mayor signed the Planning Code amendments related to the Eastern Neighborhoods Rezoning and Area Plans. New

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<sup>1</sup> San Francisco Planning Department Case No. 2004.0160E and State Clearinghouse No. 2005032048.

<sup>2</sup> San Francisco Planning Department, *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed January 26, 2015.

<sup>3</sup> San Francisco Planning Commission Motion No. 17659, August 7, 2008. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1268>, accessed January 26, 2015.

zoning districts include districts that would permit PDR uses in combination with commercial uses; districts mixing residential and commercial uses and residential and PDR uses; and new residential-only districts. The districts replaced existing industrial, commercial, residential single-use, and mixed-use districts.

The Eastern Neighborhoods PEIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternative scenarios. The *Eastern Neighborhoods Draft EIR* evaluated three rezoning alternatives, two community-proposed alternatives which focused largely on the Mission District, and a “No Project” alternative. The alternative selected, or the Preferred Project, represents a combination of Options B and C. The Planning Commission adopted the Preferred Project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the PEIR.

A major issue of discussion in the Eastern Neighborhoods rezoning process was the degree to which existing industrially zoned land would be rezoned to primarily residential and mixed-use districts, thus reducing the availability of land traditionally used for PDR employment and businesses. Among other topics, the Eastern Neighborhoods PEIR assesses the significance of the cumulative land use effects of the rezoning by analyzing its effects on the City’s ability to meet its future PDR space needs as well as its ability to meet its housing needs as expressed in the City’s *General Plan*.

As a result of the Eastern Neighborhoods rezoning process, the project site has been rezoned to a UMU (Urban Mixed Use) District and the Mission Street NCT (Neighborhood Commercial Transit) District. These districts are intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially zoned area while optimizing the available access to existing public transportation. They are also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. The proposed project and its relation to PDR land supply and cumulative land use effects is discussed further in the Community Plan Exemption (CPE) Checklist, under Land Use. The 1801 and 1863 Mission Street lots, which are located in the Mission Plan Area of the Eastern Neighborhoods program, were designated as 68-X and 40-X/65-X Height and Bulk Districts, respectively. This would allow a building up to 68 feet in height at the southeast corner of 14th and Mission streets, a building up to 40 feet in height fronting Minna Street, and a building up to 65 feet in height fronting Mission Street.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 1801 and 1863 Mission Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods PEIR. This determination also finds that the Eastern Neighborhoods PEIR adequately anticipated and described the impacts of the proposed 1801 and 1863 Mission Street project and identifies the mitigation measures applicable to the 1801 and 1863 Mission Street project. The proposed project is also consistent with the zoning controls and the provisions of the

Planning Code applicable to the project site.<sup>4, 5</sup> Therefore, no further CEQA evaluation for the 1801 and 1863 Mission Street project is required. In sum, the Eastern Neighborhoods PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

## PROJECT SETTING

The project site is located on the block bounded by 14th, Mission, 15th, and Minna streets in San Francisco's Mission neighborhood and consists of residential, commercial, and industrial uses. The surrounding buildings vary in appearance and height; two- and three-story buildings are generally multi-family residential in character and consist of wood-frame construction, while the shorter one- and two-story buildings are of more industrial appearance consisting of masonry and concrete construction materials. The State Armory and Arsenal is on the west side of Mission Street across from the project site; this building reaches a maximum height of approximately 65 feet, is clad entirely in brick, and is unique in its architectural form.

## POTENTIAL ENVIRONMENTAL EFFECTS

The Eastern Neighborhoods PEIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation, and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued Initial Study for the Eastern Neighborhoods Rezoning and Area Plans. The proposed 1801 and 1863 Mission Street project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods PEIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods plan areas. Thus, the plan analyzed in the Eastern Neighborhoods PEIR considered the incremental impacts of the proposed 1801 and 1863 Mission Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods PEIR.

Significant and unavoidable impacts were identified in the Eastern Neighborhoods PEIR for the following topics: land use, historic architectural resources, transportation and circulation, and shadow. The proposed project would not remove any existing PDR uses and would therefore not contribute to any land use impact. The proposed project would not result in demolition, alteration, or modification of any historic resources. Therefore, the proposed project would not contribute to any historic resource impact. Traffic and transit ridership generated by the proposed project would not considerably contribute to the traffic and transit impacts identified in the Eastern Neighborhoods PEIR. Although at its highest point the proposed project would reach approximately 68 feet in height, the proposed project would not cast shadow on any parks or open spaces.

The Eastern Neighborhoods PEIR identified feasible mitigation measures to address significant impacts related to noise, air quality, archeological resources, historical resources, hazardous materials, and

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<sup>4</sup> Adam Varat, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, Case No. 2009.1011E, 1801 & 1837 Mission Street*, March 19, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.1011E.

<sup>5</sup> Jeff Joslin, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning Analysis, Case No. 2009.1011E, 1801 and 1863 Mission Street*, January 28, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.1011E.

transportation. **Table 1** lists the mitigation measures identified in the Eastern Neighborhoods PEIR and states whether each measure would apply to the proposed project.

**Table 1 – Eastern Neighborhoods PEIR Mitigation Measures**

Mitigation Measure	Applicability
<b>E. Transportation</b>	
E-1: Traffic Signal Installation	Not applicable: Plan-level mitigation by San Francisco Municipal Transportation Agency (SFMTA).
E-2: Intelligent Traffic Management	Not applicable: Plan-level mitigation by SFMTA.
E-3: Enhanced Funding	Not applicable: Plan-level mitigation by SFMTA & San Francisco County Transportation Authority.
E-4: Intelligent Traffic Management	Not applicable: Plan-level mitigation by SFMTA & Planning Department.
E-5: Enhanced Transit Funding	Not applicable: Plan-level mitigation by SFMTA.
E-6: Transit Corridor Improvements	Not applicable: Plan-level mitigation by SFMTA.
E-7: Transit Accessibility	Not applicable: Plan-level mitigation by SFMTA.
E-8: Muni Storage and Maintenance	Not applicable: Plan-level mitigation by SFMTA.
E-9: Rider Improvements	Not applicable: Plan-level mitigation by SFMTA.
E-10: Transit Enhancement	Not applicable: Plan-level mitigation by SFMTA
E-11: Transportation Demand Management	Not applicable: Plan-level mitigation by SFMTA
<b>F. Noise</b>	
F-1: Construction Noise (Pile Driving)	Applicable: Project includes pile driving. Project Mitigation Measure M-NO-1.
F-2: Construction Noise	Applicable: Temporary construction noise from use of heavy equipment. Project Mitigation Measure M-NO-2.
F-3: Interior Noise Levels	Applicable: Noise-sensitive uses where street noise exceeds 60 dBA. <b>Requirement satisfied by sponsor.</b>

Mitigation Measure	Applicability
F-4: Siting of Noise-Sensitive Uses	Applicable: Project includes siting of residential space in where street noise exceeds 60 dBA. <b>Requirement satisfied by sponsor.</b>
F-5: Siting of Noise-Generating Uses	Not applicable: Project would not include noise-generating uses.
F-6: Open Space in Noisy Environments	Applicable: Project includes open space where street noise exceeds 60 dBA. Project Mitigation Measure M-NO-3.
<b>G. Air Quality</b>	
G-1: Construction Air Quality	Applicable: Project required to comply with Construction Dust Control Ordinance; project located in area of poor air quality. Project Mitigation Measure M-AQ-1.
G-2: Air Quality for Sensitive Land Uses	Not applicable: Project required to comply with Health Code Article 38.
G-3: Siting of Uses that Emit Diesel Particulate Matter (DPM)	Not applicable: Project would not include uses that emit DPM.
G-4: Siting of Uses that Emit other Toxic Air Contaminants (TACs)	Not applicable: Project would not include uses that emit TACs.
<b>J. Archeological Resources</b>	
J-1: Properties with Previous Studies	Not applicable: No previous archeological research design and treatment plan is on file for the project site.
J-2: Properties with no Previous Studies	Applicable: Project located in Mission Dolores Archeological District. <b>Requirement satisfied by sponsor.</b>
J-3: Mission Dolores Archeological District	Applicable: Project involves 8 to 12 feet of soil excavation/disturbance where resources may be present in Mission Dolores Archeological District. Project Mitigation Measure M-CP-1.
<b>K. Historical Resources</b>	
K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan Area	Not applicable: Plan-level mitigation completed by Planning Department.
K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (East SoMa)	Not applicable: Plan-level mitigation completed by Planning Commission.

Mitigation Measure	Applicability
K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront)	Not applicable: Plan-level mitigation completed by Planning Commission.
<b>L. Hazardous Materials</b>	
L-1: Hazardous Building Materials	Applicable: Demolition of existing building. Project Mitigation Measure M-HZ-1.

Please see the attached Exhibit C: Mitigation Monitoring and Reporting Program (MMRP),<sup>6</sup> for the complete text of the applicable mitigation measures. With implementation of these mitigation measures, the proposed project would not result in significant impacts beyond those analyzed in the Eastern Neighborhoods PEIR.

## PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on April 22, 2014 to occupants of properties adjacent to the project site and to owners of properties within 300 feet of the project site. Overall, concerns and issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. No public comments were received regarding physical environmental effects.

## CONCLUSION

As summarized above and further discussed in the CPE Checklist:<sup>7</sup>

1. The proposed project is consistent with the development density established for the project site in the Eastern Neighborhoods Rezoning and Area Plans;
2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Eastern Neighborhoods PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Eastern Neighborhoods PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake feasible mitigation measures specified in the Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

Therefore, the proposed project is exempt from further environmental review pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

<sup>6</sup> The mitigation measures would be adopted as Conditions of Approval, and the MMRP would be attached to Planning Commission approval documents as Exhibit C.

<sup>7</sup> The CPE Checklist is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.1011E.

## ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	MONITORING AND REPORTING PROGRAM			
	Responsibility for Implementation	Mitigation/Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<b>MITIGATION MEASURES</b> <u><b>Project Mitigation Measure M-CP-1: Archeological Testing (Mitigation Measure J-3 of the Eastern Neighborhoods PEIR)</b></u>  Based on a reasonable presumption that archeological resources may be present on the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archeological Consultants List (QACL) maintained by the Planning Department archeologist. The project sponsor shall contact the Planning Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the ERO. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and	Project sponsor.	Prior to issuance of any permit for soil-disturbing activities and during construction.	Project Sponsor; ERO; archeologist.	Considered complete upon ERO's approval of FARR.



#### MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	Responsibility	Mitigation/	Monitoring/Reporting	Monitoring
	for	Improvement	Responsibility	Schedule
	Implementation	Schedule		

comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Section 15064.5(a)(c).

**Consultation with Descendant Communities.** On discovery of an archeological site<sup>1</sup> associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate representative<sup>2</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site, and to consult with ERO regarding appropriate archeological treatment of the site; of recovered data from the site; and if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report shall be provided to the representative of the descendant

<sup>1</sup> The term “archeological site” is intended to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>2</sup> An “appropriate representative” of the descendant group is defined, in the case of Native Americans, as any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission; and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Planning Department archeologist.

#### MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	Responsibility	Mitigation/	Monitoring/Reporting	Monitoring
	for	Improvement	Responsibility	Schedule
	Implementation	Schedule		

group.

**Archeological Testing Program.** The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project; the testing method to be used; and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If, based on the archeological testing program, the archeological consultant finds that significant archeological resources may be present, the ERO, in consultation with the archeological consultant, shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant

#### MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	Responsibility for Implementation	Mitigation/ Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
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archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor, either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance, and that interpretive use of the resource is feasible.

**Archeological Monitoring Program.** If the ERO, in consultation with the archeological consultant, determines that an archeological monitoring program shall be implemented, the archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to the commencement of any project-related soils-disturbing activities. The ERO, in consultation with the archeological consultant, shall determine which project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), or site

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation/Improvement Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation/ Improvement Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
remediation shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context.				
<ul style="list-style-type: none"><li>▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource.</li><li>▪ The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits.</li><li>▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis.</li><li>▪ If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile-driving/construction activities and equipment until the deposit is</li></ul>				

#### MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	MONITORING AND REPORTING PROGRAM			
	Responsibility for Implementation	Mitigation/ Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
evaluated. If, in the case of pile-driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile-driving activity may affect an archeological resource, the pile-driving activity shall be terminated until an appropriate evaluation of the resource has been made, in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.				

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

**Archeological Data Recovery Program.** The archeological data recovery program shall be conducted in accordance with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. The ADRP

## MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	Responsibility for Implementation	Mitigation/ Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
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will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- **Field Methods and Procedures.** Descriptions of proposed field strategies, procedures, and operations.
- **Cataloguing and Laboratory Analysis.** Description of selected cataloguing system and artifact analysis procedures.
- **Discard and De-accession Policy.** Description of and rationale for field and post-field discard and de-accession policies.
- **Interpretive Program.** Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- **Security Measures.** Recommended security

## MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	Responsibility for Implementation	Mitigation/ Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</p> <ul style="list-style-type: none"> <li>• <b>Final Report.</b> Description of proposed report format and distribution of results.</li> <li>• <b>Curation.</b> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</li> </ul>				

**Human Remains and Associated or Unassociated Funerary Objects.** The treatment of human remains and of associated or unassociated funerary objects discovered during any soils-disturbing activity shall comply with applicable state and federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco; and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines, Section 15064.5[d]). The agreement should take into

#### MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	Responsibility	Mitigation/	Monitoring/Reporting	Monitoring
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consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

**Final Archeological Resources Report.** The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert in the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one copy, and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound, and one unlocked, searchable PDF copy on CD of the FARR, along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/CRHR. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented



Adopted Mitigation/Improvement Measures	MONITORING AND REPORTING PROGRAM			
	Responsibility for Implementation	Mitigation/Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
above.				
<p><b><u>Project Mitigation Measure M-NO-1: Construction Noise from Pile Driving (Mitigation Measure F-1 of the Eastern Neighborhoods PEIR)</u></b></p> <p>The project sponsor shall ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration. No impact pile drivers shall be used unless absolutely necessary. Contractors shall use pile-driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. The project sponsor shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.</p>	Project sponsor, contractor(s).	During construction period.	Project sponsor to provide monthly noise reports during construction.	Considered complete upon final monthly report.
<p><b><u>Project Mitigation Measure M-NO-2: Construction Noise (Mitigation Measure F-2 of the Eastern Neighborhoods PEIR)</u></b></p> <p>The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection (DBI) to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the</p>	Project sponsor, contractor(s).	During construction period.	Project sponsor to provide monthly noise reports during construction.	Considered complete upon final monthly report.

## MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	Responsibility for Implementation	Mitigation/ Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>following control strategies as feasible:</p> <ul style="list-style-type: none"> <li>Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses;</li> <li>Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site;</li> <li>Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses;</li> <li>Monitor the effectiveness of noise attenuation measures by taking noise measurements; and</li> <li>Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.</li> </ul>				
<p><b><u>Project Mitigation Measure M-NO-3: Open Space in Noisy Environments (Mitigation Measure F-6 of the Eastern Neighborhoods PEIR)</u></b></p> <p>To minimize effects on development in noisy areas, for new development including noise-sensitive uses, the Planning Department shall, through its building permit review process, in conjunction with noise analysis required pursuant to Mitigation Measure F-4, require that</p>	Project sponsor, contractor(s).	Prior to entitlement/building permit approval.	Planning Department.	Considered completed upon approval of project plans by the Planning Department.

## MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	Responsibility for Implementation	Mitigation/ Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>open space required under the Planning Code for such uses be protected, to the maximum feasible extent, from existing ambient noise levels that could prove annoying or disruptive to users of the open space. Implementation of this measure could involve, among other things, site design that uses the building itself to shield on-site open space from the greatest noise sources, construction of noise barriers between noise sources and open space, and appropriate use of both common and private open space in multi-family dwellings, and implementation would also be undertaken consistent with other principles of urban design.</p> <p><b>Project Mitigation Measure M-AQ-1: Construction Air Quality (Mitigation Measure G-1 of the Eastern Neighborhoods PEIR)</b></p> <p><i>A. Engine Requirements.</i></p> <ol style="list-style-type: none"> <li>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this</li> </ol>	Project sponsor/ contractor(s).	Prior to construction activities requiring the use of off-road equipment.	Submit certification statement.	Project sponsor / contractor(s) and the ERO.  Considered complete on submittal of certification statement.

**MONITORING AND REPORTING PROGRAM**

Adopted Mitigation/Improvement Measures	Responsibility for Implementation	Mitigation/ Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
requirement.				
2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.				
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.				
4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.				
B. <i>Waivers.</i>				
1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the				

## MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	Responsibility for Implementation	Mitigation/ Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>ERO grants the waiver, the Contractor must submit documentation that the equipment used for on-site power generation meets the requirements of Subsection (A)(1).</p> <p>2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table below.</p>				

**Table – Off-Road Equipment Compliance Step-down Schedule**

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.

\*\* Alternative fuels are not a VDECS.

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation/Improvement Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation/ Improvement Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
<p>C. <i>Construction Emissions Minimization Plan.</i> Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.</p> <p>1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.</p> <p>2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.</p>				

## MONITORING AND REPORTING PROGRAM

Adopted Mitigation/Improvement Measures	Responsibility for Implementation	Mitigation/ Improvement Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p> <p>D. <i>Monitoring.</i> After start of construction activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p>				
<p><b><u>Project Mitigation Measure M-HZ-1: Hazardous Building Materials Abatement (Mitigation Measure L-1 of the Eastern Neighborhoods PEIR)</u></b></p> <p>The project sponsor shall ensure that any equipment containing polychlorinated biphenyls (PCBs) or di (2 ethylhexyl) phthalate (DEHP), such as fluorescent</p>	Project sponsor	Prior to any demolition or construction activities.	Project sponsor; Planning Department.	Prior to any demolition or construction activities.

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation/Improvement Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation/ Improvement Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
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light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.



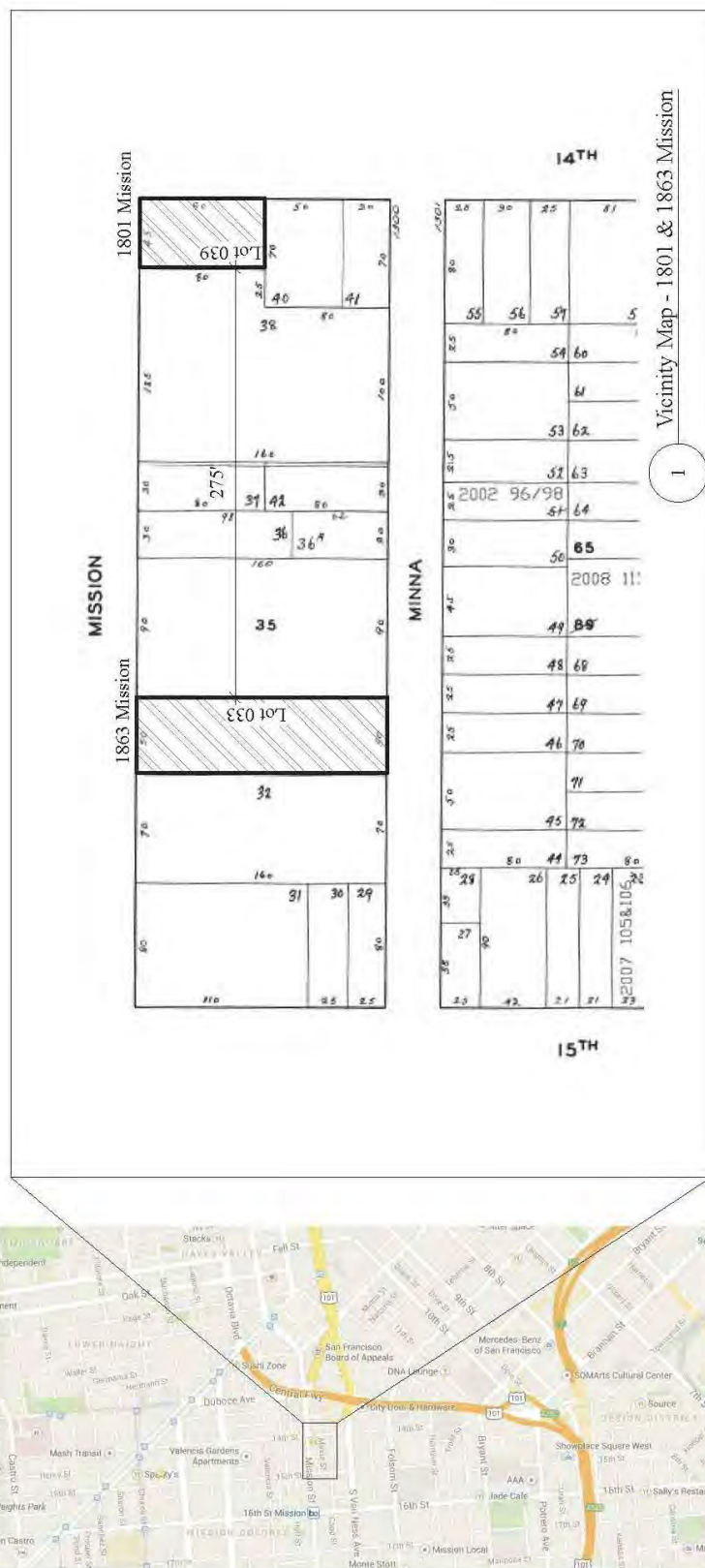


Figure 1: Site Plan  
1801 & 1863 Mission Street

The parking garage would be accessed from 14th Street. Of the seven parking spaces being provided, two would be at grade, and the other five would be housed in a mechanical stacker. The Class 1 bicycle parking spaces would be located in secure storage rooms on the first and second floors. This building would rest on a mat foundation that is supported by deep-seated piers or densified soils; pile driving could be required. Construction of this building would require the excavation and removal of approximately 1,400 cubic yards of soil.

### 1863 Mission Street

At 1863 Mission Street, the project sponsor would construct an approximately 35,265-gsf mixed-use building that would be four stories and 38 feet tall along Minna Street and seven stories and 65 feet tall along Mission Street. The building would contain 37 dwelling units, approximately 1,015 gsf of retail space, 18 parking spaces, 40 Class 1 bicycle parking spaces, and one Class 2 bicycle parking space (see Table 1 and Figures 14 through 23). A total of approximately 3,790 sf of usable open space would be provided. The parking garage would be accessed from Minna Street. All 18 parking spaces would be housed in a mechanical stacker. The Class 1 and Class 2 bicycle parking spaces would be inside the building on the first floor. This building would rest on a mat foundation; pile driving would not be required. Construction of this building would require the excavation and removal of approximately 4,100 cubic yards of soil.

<b>Table 1: Proposed Land Uses</b>			
<b>Use</b>	<b>1801 Mission Street</b>	<b>1863 Mission Street</b>	<b>Total</b>
Residential	10,860 gsf	24,105 gsf	34,965 gsf
Retail	1,110 gsf	1,015 gsf	2,125 gsf
Office	740 gsf	0 gsf	740 gsf
Circulation, Mechanical, Parking, Storage	9,900 gsf	10,145 gsf	20,045 gsf
<b>Total Building Square Footage</b>	<b>22,610 gsf</b>	<b>35,265 gsf</b>	<b>57,875 gsf</b>
Private Open Space	875 sf	480 sf	1,355 sf
Common Open Space	1,555 sf	3,310 sf	4,865 sf
<b>Total Open Space</b>	<b>2,430 sf</b>	<b>3,790 sf</b>	<b>6,220 sf</b>
Dwelling Units	17	37	54
Parking Spaces	7	18	25
Class 1 Bicycle Parking Spaces	28	40	68
Class 2 Bicycle Parking Spaces	0	1	1

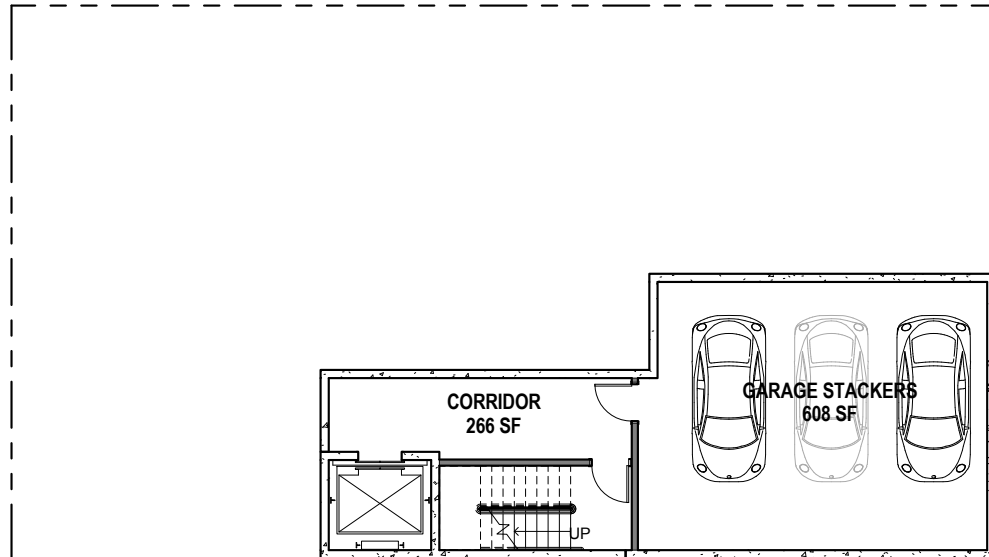


Figure 2: Level Basement

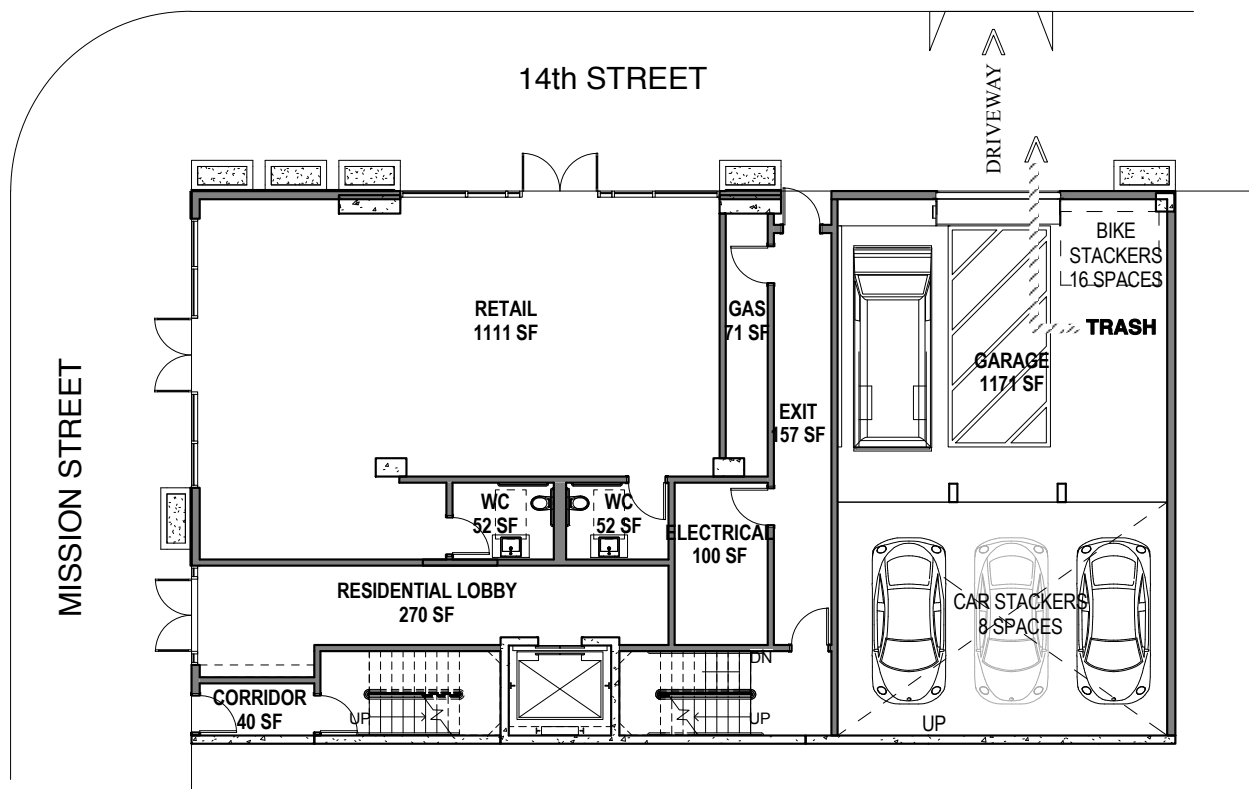


Figure 3: Level 1- Street Level

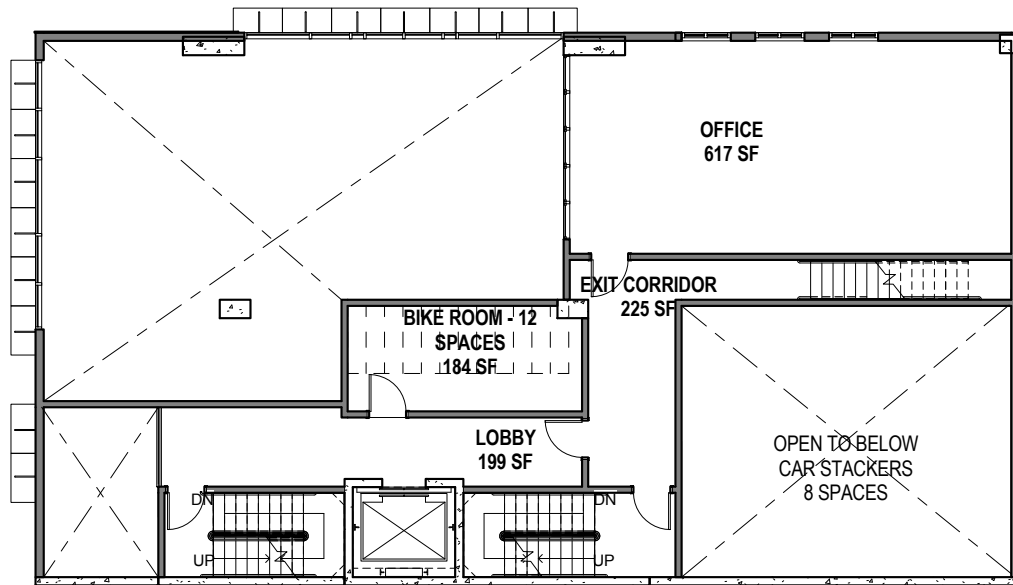


Figure 4: Level 2

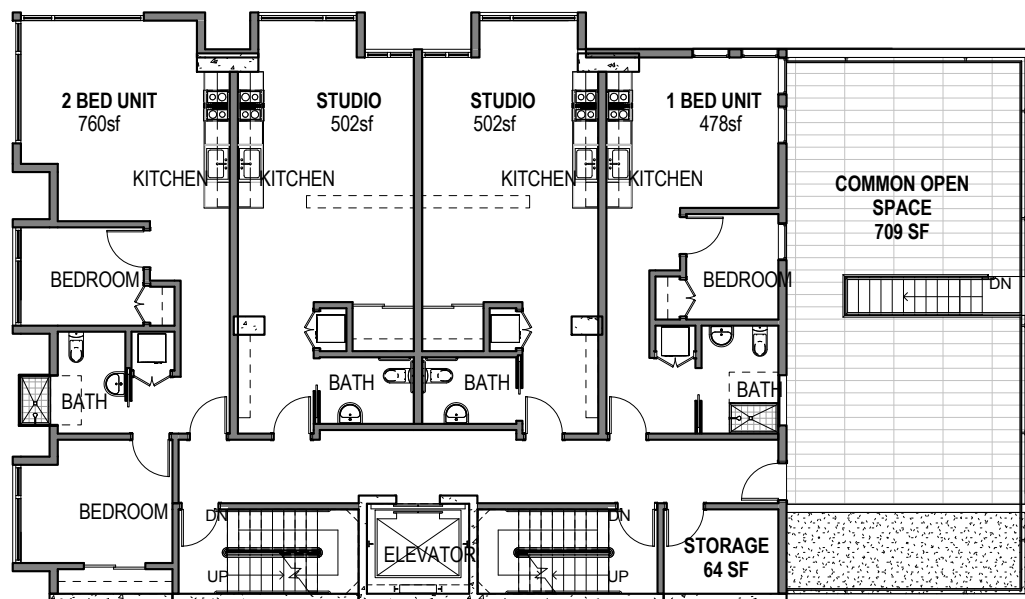


Figure 5: Level 3

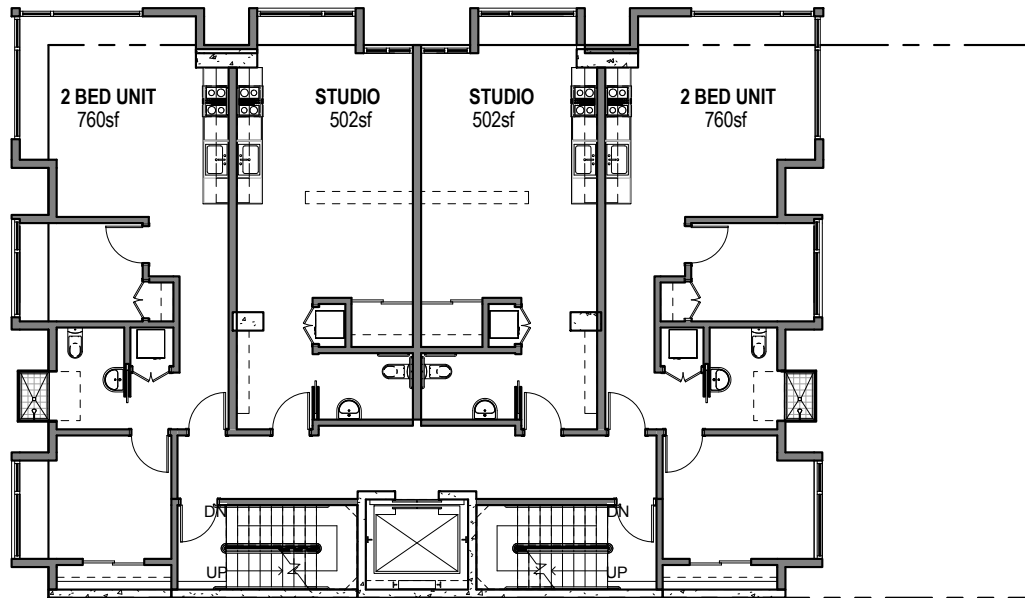


Figure 6: Level 4

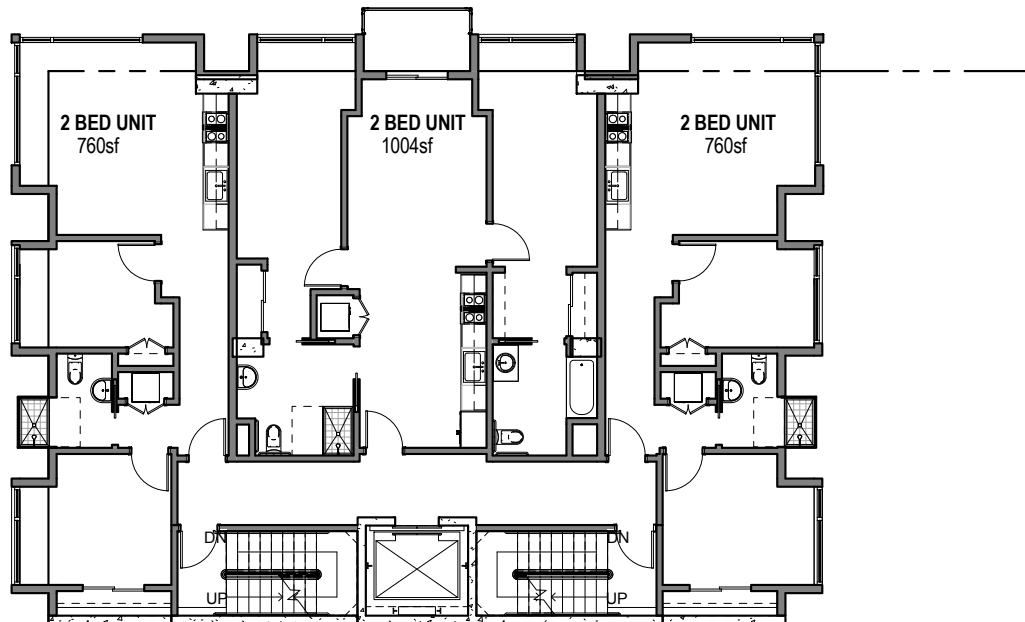


Figure 7: Level 5

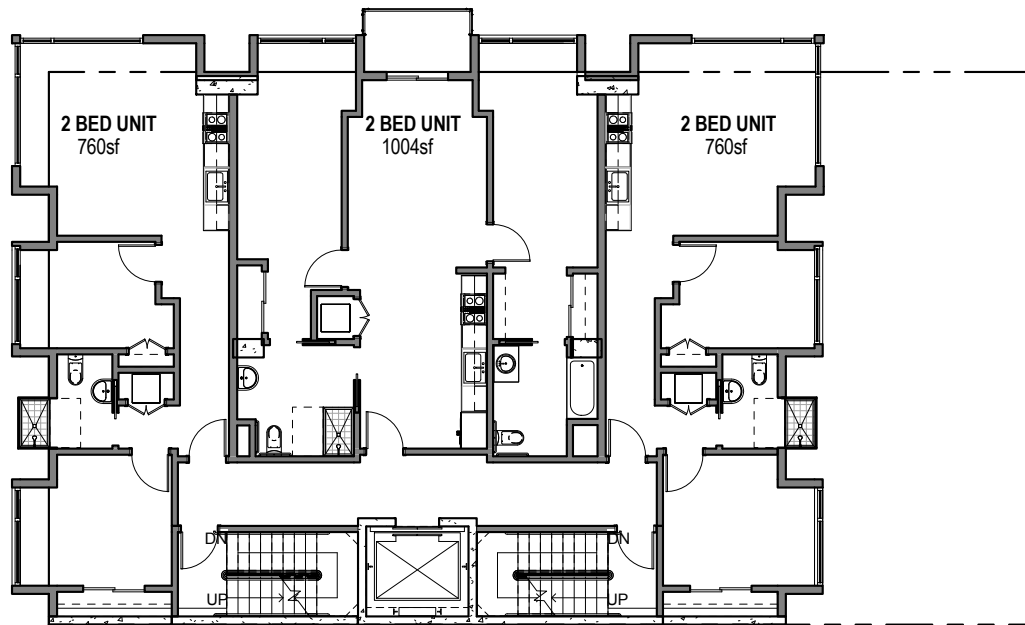


Figure 8: Level 6

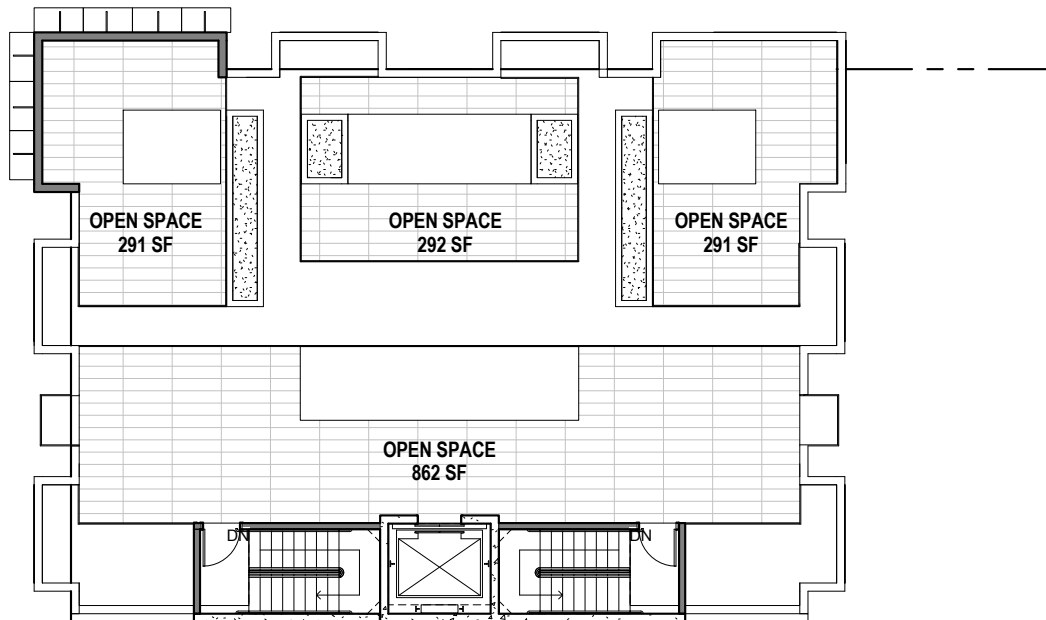


Figure 9: Roof Level



Figure 10: East Elevation



Figure 11: North Elevation

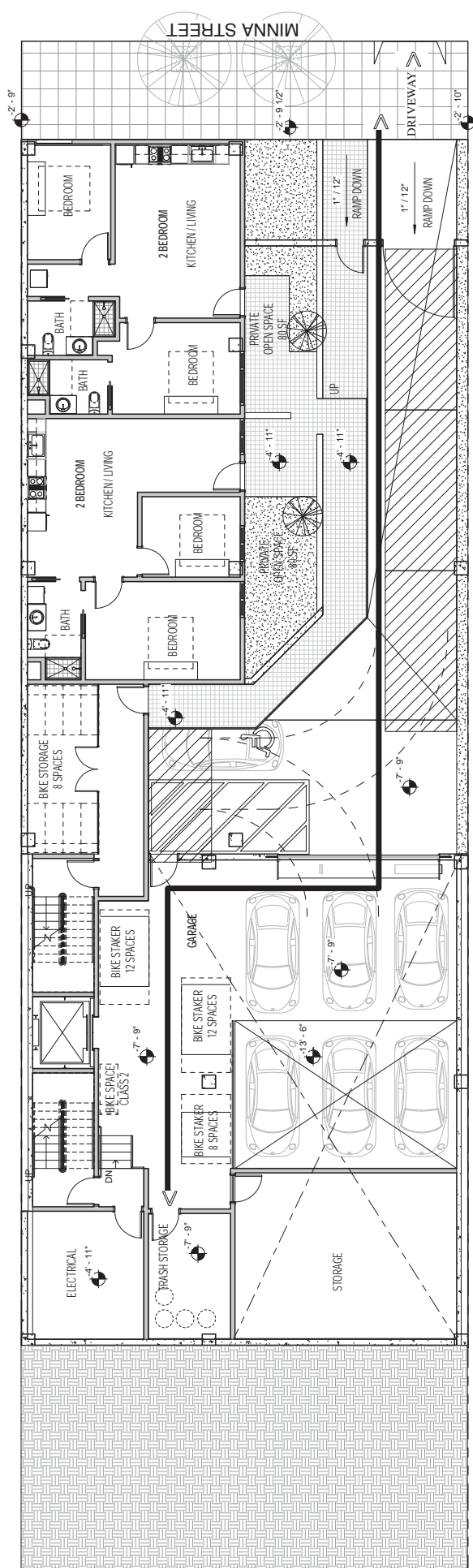


Figure 12: South Elevation



Figure 13: West Elevation





1863 Mission St.

Figure 14 - Level 1 -Ground Floor

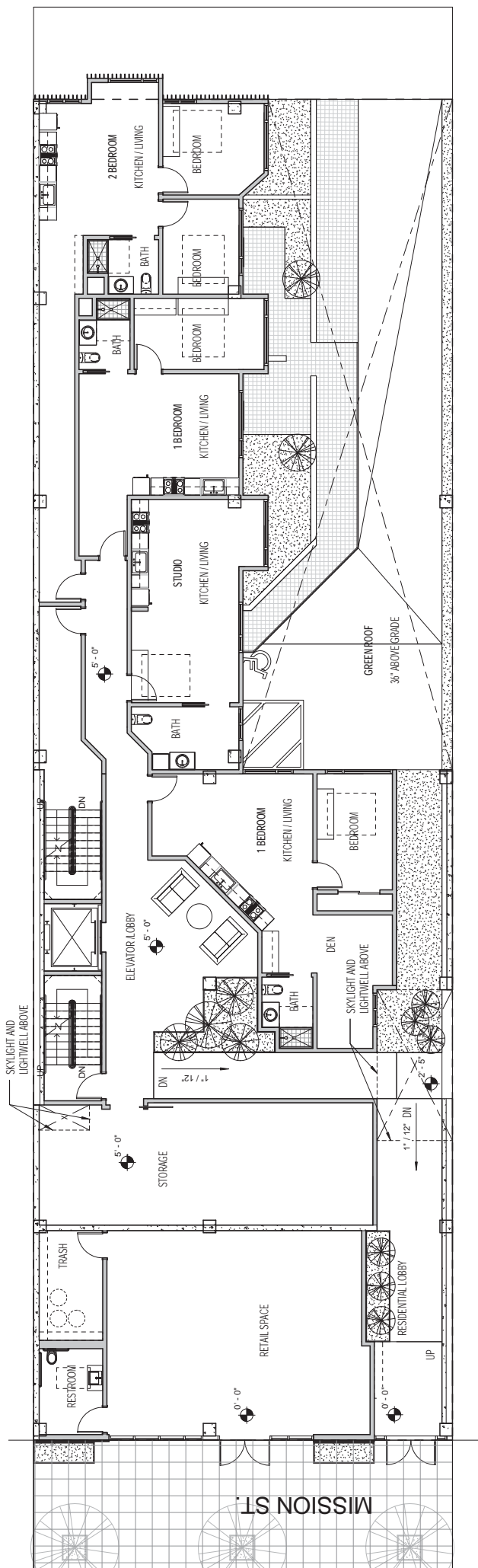


Figure 15  
- Level 2 - Street Level

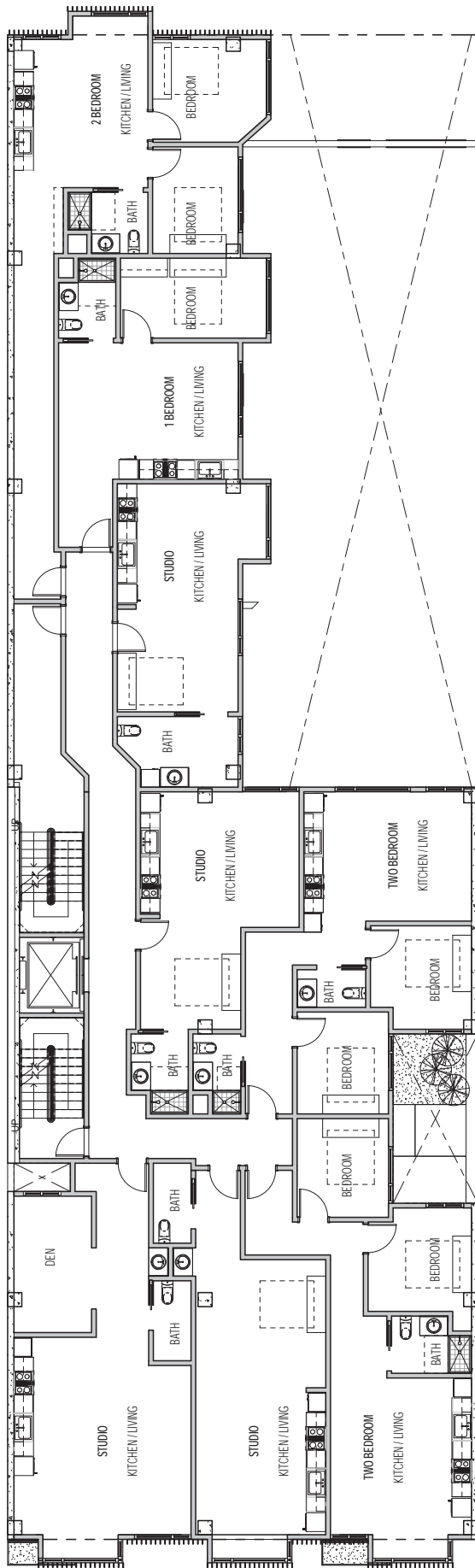


Figure 16  
- Level 3 and 4

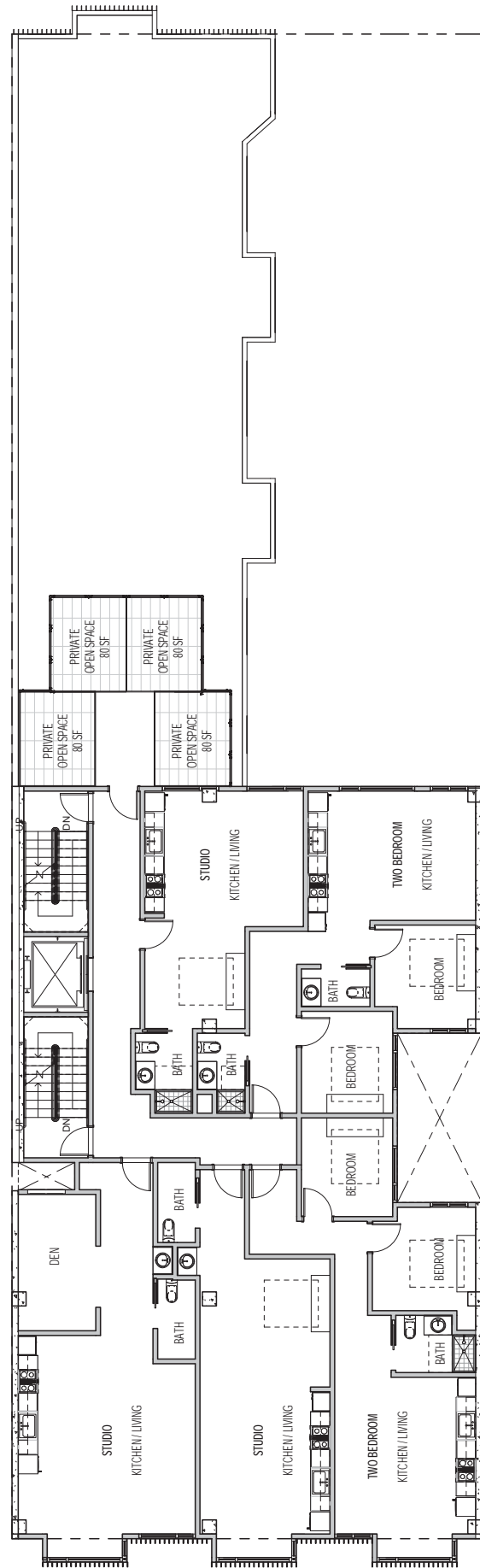


Figure 17  
- Level 5

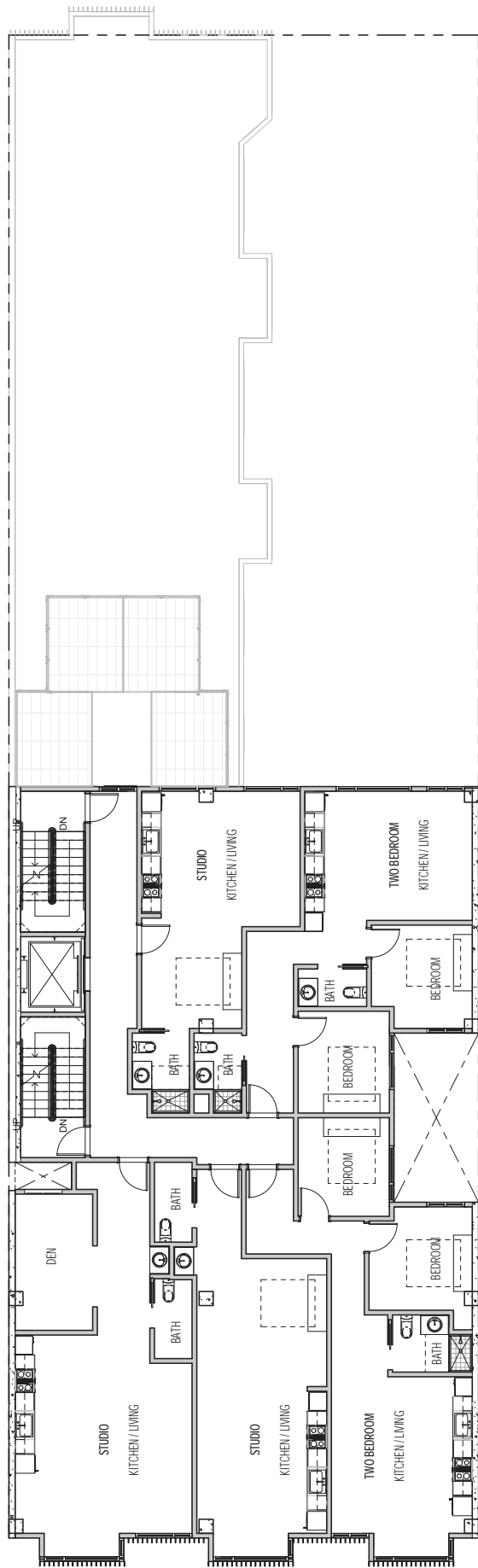


Figure 18 - Level 6 and 7

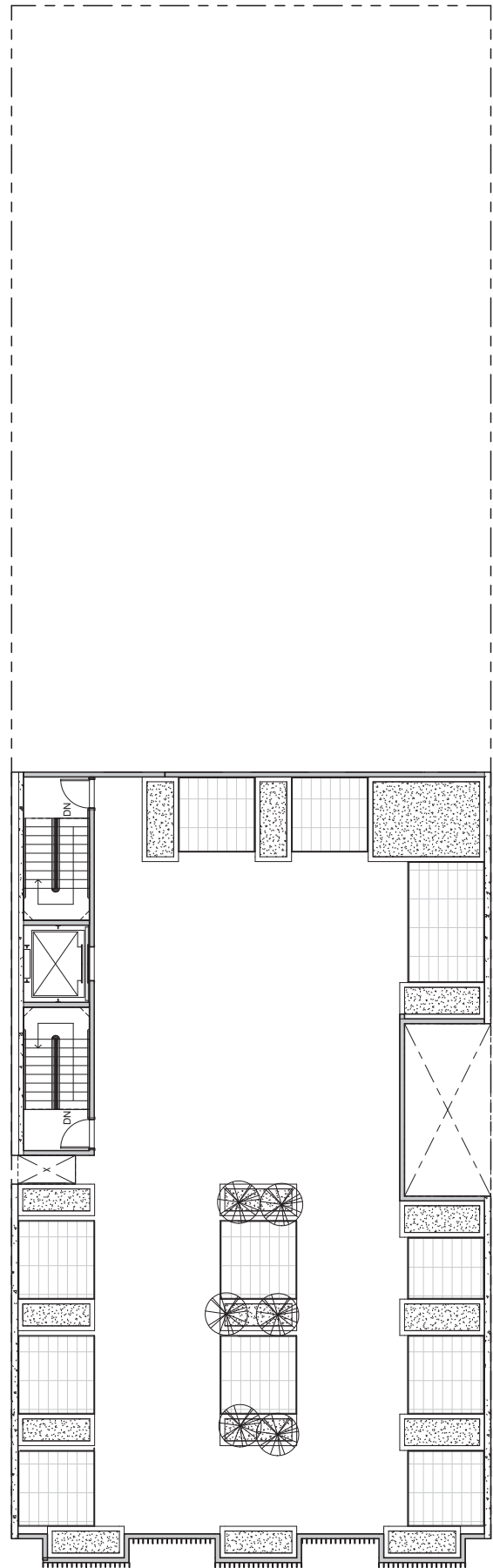


Figure 19 - Roof Level

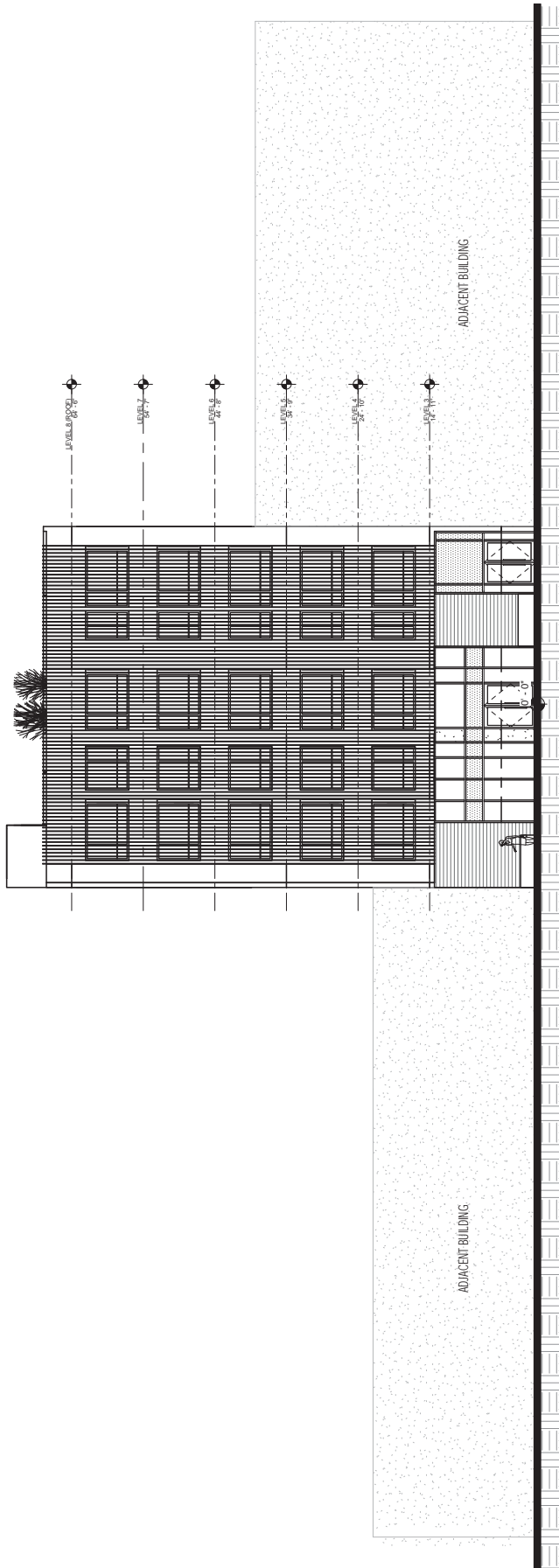


Figure 20 - West Elevation



Figure 21 - East Elevation

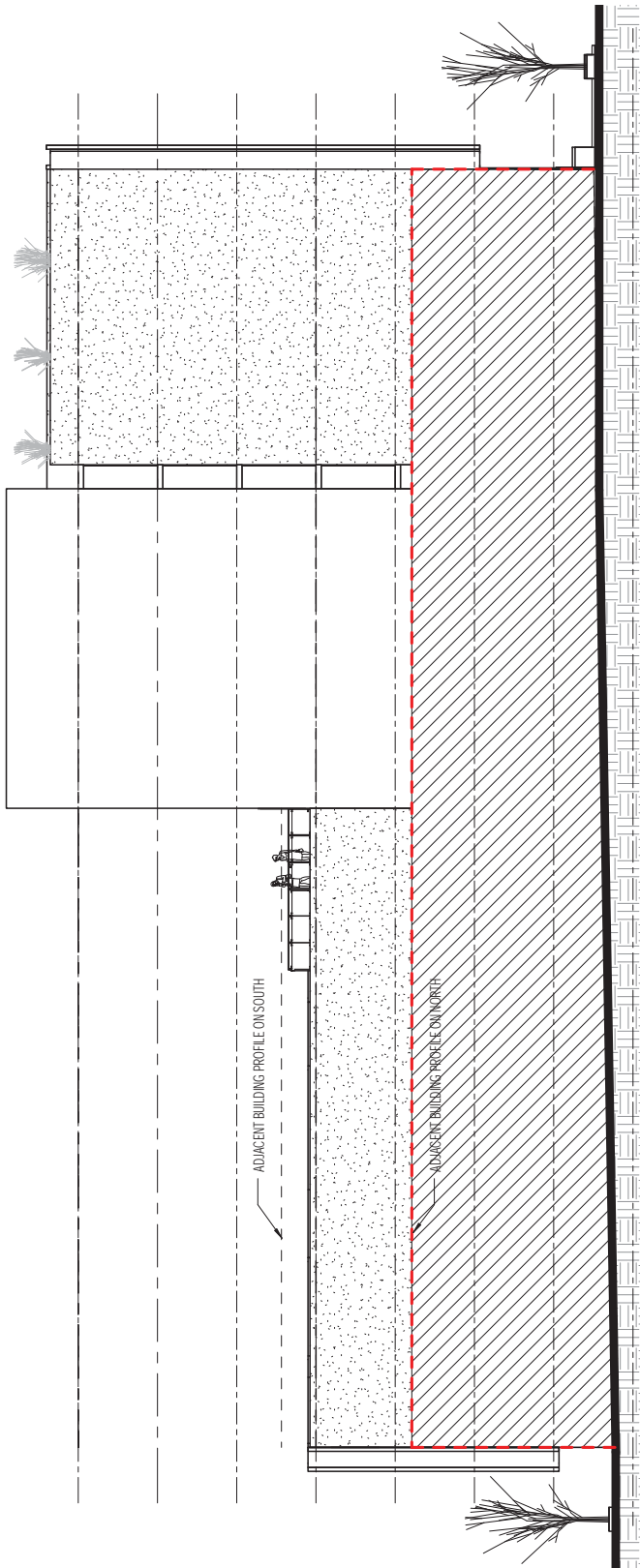


Figure 22 - North Elevation

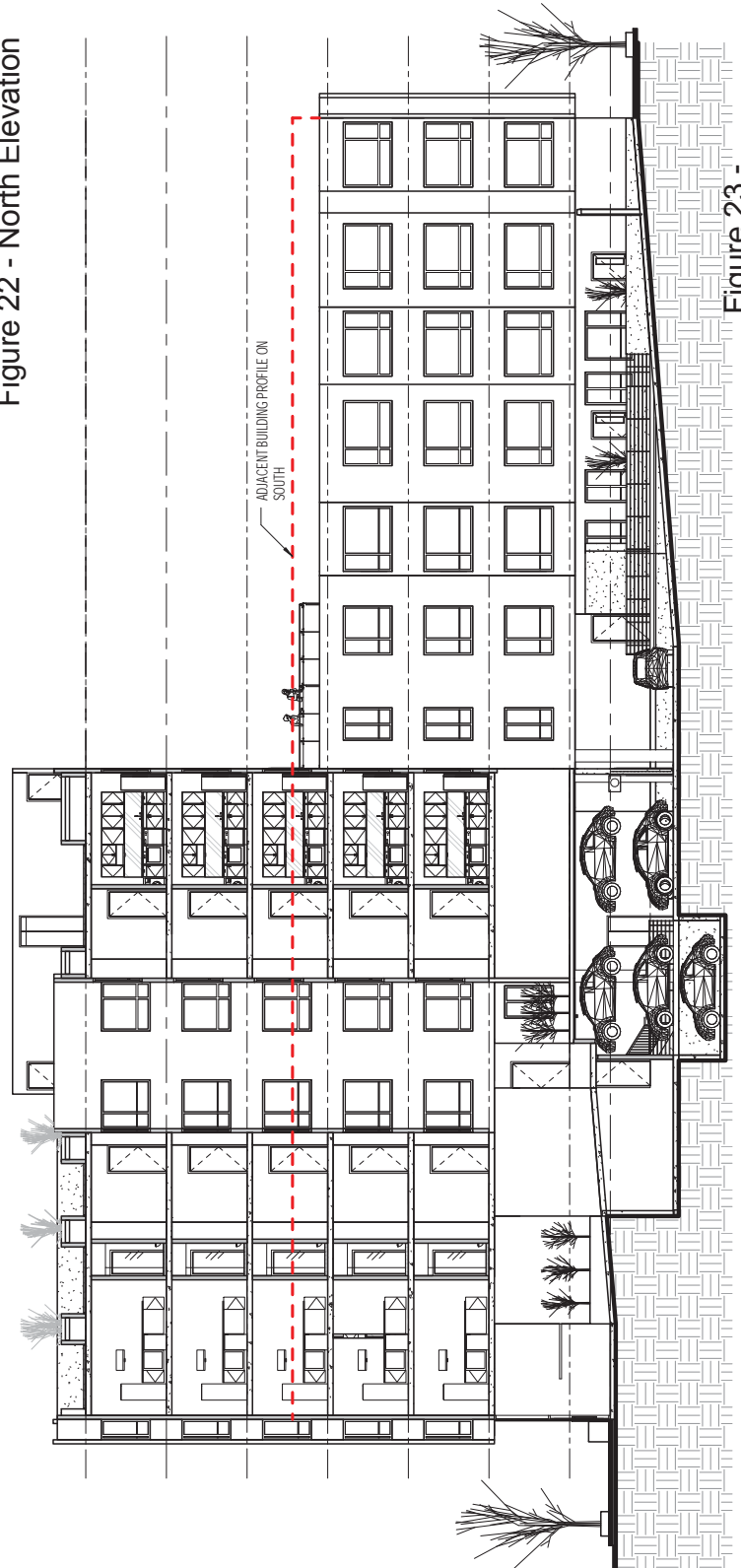


Figure 23 -  
South Elevation

## Project Construction

Both buildings would be constructed at the same time. Construction is anticipated to begin in the spring/summer of 2015 and is expected to last 18 to 24 months, with building occupancy anticipated in late 2016 or early 2017. Work on the 1801 Mission Street portion of the project site would include the demolition of a small storage shed near the southeast corner of Lot 039. Construction of the proposed project would require the excavation of approximately 5,500 cubic yards of soil (1,400 cubic yards for 1801 Mission Street and 4,100 cubic yards for 1863 Mission Street).

## Project Approval

For the purposes of environmental review, the buildings are being analyzed together as if they were a single project. For the purposes of the approval/entitlement process, the buildings are considered two separate projects.

The proposed building at 1801 Mission Street requires the following approvals:

- **Site/Building Permit** (*Planning Department and Department of Building Inspection*)
- **Condominium Map** (*Department of Public Works*)

Issuance of the building permit by the Department of Building Inspection would constitute the Approval Action for the proposed building at 1801 Mission Street. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

The proposed building at 1863 Mission Street requires the following approvals:

- **Site/Building Permit** (*Planning Department and Department of Building Inspection*)
- **Condominium Map** (*Department of Public Works*)

Issuance of the building permit by the Department of Building Inspection would constitute the Approval Action for the proposed building at 1863 Mission Street. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

## EVALUATION OF ENVIRONMENTAL EFFECTS

This Community Plan Exemption (CPE) Checklist evaluates whether the environmental impacts of the proposed project are addressed in the Programmatic Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans (Eastern Neighborhoods PEIR).<sup>1</sup> The CPE Checklist indicates whether the proposed project would result in significant impacts that: (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the PEIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the Eastern Neighborhoods PEIR was certified, are determined to have a more severe adverse impact than discussed in the PEIR. Such impacts, if any, will be evaluated in a

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<sup>1</sup> San Francisco Planning Department, *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, Case No. 2004.0160E, certified August 7, 2008. Available online at: <http://www.sf-planning.org/index.aspx?page=1893>, accessed January 26, 2015.

project-specific Mitigated Negative Declaration or Environmental Impact Report. If no such topics are identified, the proposed project is exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

Mitigation measures identified in the PEIR are discussed under each topic area, and measures that are applicable to the proposed project are provided under the Mitigation and Improvement Measures section at the end of this checklist.

The Eastern Neighborhoods PEIR identified significant impacts related to land use, transportation, cultural resources, shadow, noise, air quality, and hazardous materials. Additionally, the PEIR identified significant cumulative impacts related to land use, transportation, and cultural resources. Mitigation measures were identified for the above impacts and reduced all impacts to less-than-significant levels except for those related to land use (cumulative impacts on PDR use), transportation (program-level and cumulative traffic impacts at nine intersections; program-level and cumulative transit impacts on seven Muni lines), cultural resources (cumulative impacts from demolition of historical resources), and shadow (program-level impacts on parks).

The proposed project would include the demolition of an existing storage shed and the construction of two new mixed-use buildings on two, non-contiguous vacant lots. At 1801 Mission Street, the project sponsor would construct a seven-story, 68-foot-tall, approximately 22,610-gsf mixed-use building containing 17 dwelling units, approximately 1,110 gsf of ground-floor retail space, approximately 740 gsf of second-floor office space, seven parking spaces, and 28 Class 1 bicycle parking spaces. At 1863 Mission Street, the project sponsor would construct an approximately 35,265-gsf mixed-use building that would be four stories and 38 feet tall along Minna Street and seven stories and 65 feet tall along Mission Street. The building would contain 37 dwelling units, approximately 1,015 gsf of retail space, 18 parking spaces, 40 Class 1 bicycle parking spaces, and one Class 2 bicycle parking space. As discussed below in this checklist, the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods PEIR.

## AESTHETICS AND PARKING IMPACTS FOR TRANSIT PRIORITY INFILL DEVELOPMENT

Public Resources Code Section 21099(d), effective January 1, 2014, provides that, “aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.” Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

- a) The project is in a transit priority area;
- b) The project is on an infill site; and
- c) The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above three criteria and thus, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.<sup>2</sup> Project elevations

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<sup>2</sup> San Francisco Planning Department, *Transit-Oriented Infill Project Eligibility Checklist for 1801 & 1837 Mission Street*, May 27, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2009.1011E.

are included in the project description, and an assessment of parking demand is included in the Transportation and Circulation section for informational purposes.

Topics:	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>1. LAND USE AND LAND USE PLANNING—Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial impact upon the existing character of the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that implementation of the Area Plans would result in an unavoidable significant impact on land use due to the cumulative loss of PDR uses. The proposed project would not remove any existing PDR uses. The Eastern Neighborhoods PEIR determined that the rezoning under the Area Plans would result in the loss of opportunities to develop future PDR uses. Four buildout options (Options A, B, and C plus a No Project Scenario) were analyzed in the Eastern Neighborhoods PEIR. Each option would result in a different amount of lost PDR opportunities, ranging from about 524,600 sf to about 4.93 million sf. The buildout option that was adopted for implementation by the City fell in between Options B and C (lost PDR opportunities of about 2.14 million and 4.93 million sf, respectively). The loss of PDR opportunities on the two lots comprising the project site would not make a considerable contribution to the overall loss of PDR opportunities under the Area Plans. For these reasons, the proposed project would not contribute to any impact related to the loss of PDR uses that was identified in the Eastern Neighborhoods PEIR.

Furthermore, the Citywide Planning and Current Planning divisions of the Planning Department have determined that the proposed project is permitted in the UMU and Mission Street NCT zoning districts and is consistent with the height, density, and land uses as specified in the Mission Area Plan of the Eastern Neighborhoods Rezoning and Area Plans, maintaining the mixed character of the area by encouraging transit-oriented neighborhood commercial uses on the ground-floor and residential and small offices on the floors above ground.<sup>3, 4</sup>

<sup>3</sup> Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, *Citywide Planning and Policy Analysis*, Case No. 2009.1011E, 1801 & 1837 Mission Street, March 19, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.1011E.

<sup>4</sup> Jeff Joslin, San Francisco Planning Department, *Community Plan Exemption Eligibility Determination, Current Planning Analysis*, Case No. 2009.1011E, 1801 and 1863 Mission Street, January 28, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.1011E.



For these reasons, implementation of the proposed project would not result in significant impacts that were not identified in the Eastern Neighborhoods PEIR related to land use and land use planning, and no mitigation measures are necessary.

Topics:	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>2. POPULATION AND HOUSING— Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

One of the objectives of the Eastern Neighborhoods Rezoning and Area Plans is to identify appropriate locations for housing in the City's industrially zoned land to meet the citywide demand for additional housing. The PEIR concluded that an increase in population in the Plan Areas is expected to occur as a secondary effect of the proposed rezoning and that any population increase would not, in and of itself, result in adverse physical effects, but would serve to advance key City policy objectives, such as providing housing in appropriate locations next to downtown and other employment generators and furthering the City's Transit First policies. It was anticipated that the rezoning would result in an increase in both housing development and population in all of the Area Plan neighborhoods. The Eastern Neighborhoods PEIR determined that the anticipated increase in population and density would not result in significant adverse physical effects on the environment. No mitigation measures were identified in the PEIR.

The proposed project involves the construction of 54 dwelling units, 25 parking spaces, 69 bicycle parking spaces, approximately 2,125 sf of retail space, and approximately 740 sf of office space on two non-contiguous vacant lots. These direct effects of the proposed project on population and housing are within the scope of the population growth anticipated under the Eastern Neighborhoods Rezoning and Area Plans and evaluated in the Eastern Neighborhoods PEIR.

For these reasons, the proposed project would not result in significant impacts on population and housing that were not identified in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>3. CULTURAL AND PALEONTOLOGICAL RESOURCES—Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Historic Architectural Resources

Pursuant to CEQA Guidelines Sections 15064.5(a)(1) and 15064.5(a)(2), historical resources are buildings or structures that are listed, or are eligible for listing, in the California Register of Historical Resources (CRHR) or are identified in a local register of historical resources, such as Articles 10 and 11 of the San Francisco Planning Code. The Eastern Neighborhoods PEIR determined that future development facilitated through the changes in use districts and height limits under the Eastern Neighborhoods Area Plans could have substantial adverse changes on the significance of both individual historical resources and on historical districts within the Plan Areas. The PEIR determined that approximately 32 percent of the known or potential historical resources in the Plan Areas could potentially be affected under the preferred alternative. The Eastern Neighborhoods PEIR found this impact to be significant and unavoidable. This impact was addressed in a Statement of Overriding Considerations with findings and adopted as part of the approval of the Eastern Neighborhoods Rezoning and Area Plans on January 19, 2009.

The project site, two non-contiguous vacant lots along Mission Street, is neither considered a historic resource nor located within a designated historic district. Furthermore, the proposed project would not result in the demolition or alteration of an historic resource. Therefore, the proposed project would not contribute to the significant historic resource impact identified in the Eastern Neighborhoods PEIR, and no historic resource mitigation measures would apply to the proposed project. For these reasons, the proposed project would not result in significant impacts on historic architectural resources that were not identified in the Eastern Neighborhoods PEIR.

### Archeological Resources

The Eastern Neighborhoods PEIR determined that implementation of the Area Plans could result in significant impacts on archeological resources and identified three mitigation measures that would reduce these potential impacts to less than significant levels. Eastern Neighborhoods PEIR Mitigation Measure J-1 applies to properties for which a final archeological research design and treatment plan is on file at the Northwest Information Center and the Planning Department. Mitigation Measure J-2 applies to

properties for which no archeological assessment report has been prepared or for which the archeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archeological resources under CEQA. Mitigation Measure J-3, which applies to properties in the Mission Dolores Archeological District, requires that a specific archeological testing program be conducted by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology.

The PEIR anticipated that development at the project site would have the potential to disturb archeological deposits, and that Eastern Neighborhoods PEIR Mitigation Measures J-2 and J-3 would apply to the proposed project. Based on a review of San Francisco Planning Department records, no previous archeological investigations have occurred on the project site. However, pursuant to Eastern Neighborhoods PEIR Mitigation Measures J-2 and J-3, a Preliminary Archeological Review (PAR) was prepared for the proposed project.<sup>5</sup> As described in the PAR, the project site is highly sensitive for prehistoric and historical archeological resources, specially associated with the first and second Mission, with the prehistoric site of the Costanoan village of Chutchui, and with the house site of Jose de Jesus Noe.

Because both lots comprising the project site may harbor previously undiscovered CRHR-eligible prehistoric and/or historic-era archeological resources and would require excavation to depths of approximately eight to 12 feet below ground surface, project ground-disturbing activities would have the potential to affect previously undocumented CRHR-eligible resources, were they to occur on the project site.

Based on the PAR, it has been determined that the Planning Department's third standard archeological mitigation measure (testing) would apply to the proposed project. The PAR and its requirements (e.g., testing) are consistent with Eastern Neighborhoods PEIR Mitigation Measures J-2 and J-3. With implementation of this mitigation measure, impacts related to archeological resources would be less than significant. In accordance with the Eastern Neighborhoods PEIR requirements, the project sponsor has agreed to implement Project Mitigation Measure M-CP-1: Archeological Testing, listed in the Mitigation and Improvement Measures section below. With compliance with Project Mitigation Measures M-CP-1, the proposed project would not result in significant impacts that were not identified in the Eastern Neighborhoods PEIR related to archeological resources.

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<sup>5</sup> San Francisco Planning Department, 2005 Preliminary Archeological Review, 1801, 1863, and 1875 Mission Street Project, San Francisco, California, March 2005.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>4. TRANSPORTATION AND CIRCULATION—Would the project:</b>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes would not result in significant impacts related to pedestrians, bicyclists, loading, emergency access, or construction. As the proposed project is within the scope of development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on pedestrians, bicyclists, loading, emergency access, or construction beyond those analyzed in the Eastern Neighborhoods PEIR.

However, the Eastern Neighborhoods PEIR anticipated that growth resulting from the zoning changes could result in significant impacts on traffic and transit ridership, and identified 11 transportation mitigation measures. Even with mitigation, however, it was anticipated that the significant adverse cumulative traffic impacts and the cumulative impacts on transit lines could not be fully mitigated. Thus, these impacts were found to be significant and unavoidable.

The project site is not located within an airport land use plan area, or in the vicinity of a private airstrip. Therefore, CPE Checklist Topic 4c is not applicable.

### Trip Generation

The proposed project involves the construction of 54 dwelling units, 25 parking spaces, 69 bicycle parking spaces, approximately 2,125 sf of retail space, and approximately 740 sf of office space on two non-contiguous vacant lots.

Trip generation for the proposed project was calculated using information in the 2002 *Transportation Impacts Analysis Guidelines for Environmental Review (Transportation Guidelines)* developed by the San Francisco Planning Department.<sup>6</sup> The proposed project would generate an estimated 951 person trips (inbound and outbound) on a weekday daily basis, consisting of 424 person trips by auto, 249 transit trips, 219 walk trips, and 59 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 34 vehicle trips (accounting for vehicle occupancy data for this census tract).

## Traffic

The proposed project's vehicle trips would travel through the intersections surrounding the project block. Intersection operating conditions are characterized by the concept of Level of Service (LOS), which ranges from A to F and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco. The intersections near the project site (within approximately 800 feet) include Mission/Otis/13th Street and Valencia/15th Street. Table 1 provides existing and cumulative LOS data gathered for these intersections, per the *Eastern Neighborhoods Rezoning and Area Plans Transportation Study*.<sup>7</sup>

**Table 1**

<u>Intersection</u>	<u>Existing LOS (2006)</u>	<u>Cumulative LOS (2025)</u>
Mission/Otis/13th Street	E	E
Valencia/15th Street	B	B

Sources: Wilbur Smith Associates, June 2007.

The proposed project would generate an estimated 34 new p.m. peak-hour vehicle trips that could travel through surrounding intersections. This amount of new p.m. peak-hour vehicle trips would not substantially increase traffic volumes at these or other nearby intersections, would not substantially increase average delay that would cause intersections that currently operate at acceptable LOS to deteriorate to unacceptable LOS, or would not substantially increase average delay at intersections that currently operate at unacceptable LOS.

The proposed project would not contribute considerably to LOS delay conditions as its contribution of an estimated 34 new p.m. peak-hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated by Eastern Neighborhoods projects. The proposed project would also not contribute considerably to 2025 cumulative conditions, and thus, the proposed project would not have any significant cumulative traffic impacts.

For these reasons, the proposed project would not result in significant impacts on traffic that were not identified in the Eastern Neighborhoods PEIR.

<sup>6</sup> San Francisco Planning Department, Transportation Calculations for 1801 and 1863 Mission Street, July 3, 2014. These calculations are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.1011E.

<sup>7</sup> The *Eastern Neighborhoods Rezoning and Area Plans Transportation Study* is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2004.0160E.

**Transit**

The project site is located within a quarter-mile of several local transit lines, including the 9-San Bruno, 14-Mission, 14L-Mission Limited, 22-Fillmore, 27-Bryant, 33-Stanyan, 48-Quintara, and 49-VanNess/Mission Muni bus lines. The proposed project would be expected to generate 249 daily transit trips, including 38 during the p.m. peak hour. Given the wide availability of nearby transit, the addition of 38 p.m. peak-hour transit trips would be accommodated by existing capacity. As such, the proposed project would not result in unacceptable levels of transit service or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service could result.

Each of the rezoning options in the Eastern Neighborhoods PEIR identified significant and unavoidable cumulative impacts relating to increases in transit ridership on Muni lines, with the Preferred Project having significant impacts on seven lines. Of those lines, six operate within a quarter-mile of the project site: the 9-San Bruno, 22-Fillmore, 27-Bryant, 33-Stanyan, 48-Quintara, and 49-VanNess/Mission. Mitigation measures proposed to address these impacts related to pursuing enhanced transit funding; conducting transit corridor and service improvements; and increasing transit accessibility, service information, and storage/maintenance capabilities for Muni lines in the Eastern Neighborhoods. Even with mitigation, however, cumulative impacts on the above lines were found to be significant and unavoidable, and a Statement of Overriding Considerations related to the significant and unavoidable cumulative transit impacts was adopted as part of the PEIR Certification and project approval.

The proposed project would not contribute considerably to these conditions as its minor contribution of 38 p.m. peak-hour transit trips would not be a substantial proportion of the overall additional transit volume generated by Eastern Neighborhoods projects. The proposed project would also not contribute considerably to 2025 cumulative transit conditions and thus would not result in any significant cumulative transit impacts.

For these reasons, the proposed project would not result in significant impacts that were not identified in the Eastern Neighborhoods PEIR related to transit and would not contribute considerably to cumulative transit impacts that were identified in the Eastern Neighborhoods PEIR.

**Parking**

Public Resources Code Section 21099(d), effective January 1, 2014, provides that, “aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.” Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

- a) The project is in a transit priority area;
- b) The project is on an infill site; and
- c) The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above three criteria and thus, this determination does not consider the adequacy of parking in determining the significance of project impacts under CEQA.<sup>8</sup> The Planning Department acknowledges that parking conditions may be of interest to the public and City decision-makers. Therefore, the following parking demand analysis is provided for informational purposes only.

The parking demand for the new residential, office, and retail uses associated with the proposed project was determined based on the methodology presented in the *Transportation Guidelines*. On an average weekday, the parking demand would be 91 spaces. The proposed project would provide 25 off-street spaces. Thus, as proposed, the project would have an unmet parking demand of about 66 spaces. At this location, the unmet parking demand could be accommodated within existing on-street and off-street parking spaces within a reasonable distance of the project vicinity. Additionally, the project site is well served by public transit and bicycle facilities. Therefore, any unmet parking demand associated with the project would not materially affect the overall parking conditions in the project vicinity such that hazardous conditions or significant delays would be created.

Furthermore, the project site is located in the UMU and Mission Street NCT zoning districts, under Planning Code Section 151.1, the proposed project would not be required to provide any off-street parking spaces. It should be noted that the Planning Commission has the discretion to adjust the number of on-site parking spaces included in the proposed project, typically at the time that the project entitlements are sought. The Planning Commission may not support the parking ratio proposed. In some cases, particularly when the proposed project is in a transit-rich area, the Planning Commission may not support the provision of any off-street parking spaces. This is, in part, owing to the fact that the parking spaces are not 'bundled' with the residential units. In other words, residents would have the option to rent or purchase a parking space, but one would not be automatically provided with the residential unit.

If the proposed project were ultimately approved with no off-street parking spaces, the proposed project would have an unmet demand of 91 spaces. As mentioned above, the unmet parking demand could be accommodated within existing, nearby on- and off-street parking spaces and through alternative travel modes such as public transit and biking. Given that the unmet demand could be met by existing facilities and given that the proposed project site is well served by transit and bicycle facilities, a reduction in the number of off-street parking spaces associated with the proposed project, even if no off-street spaces are provided, would not result in significant delays or hazardous conditions.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. While parking conditions change over time, a substantial shortfall in parking caused by a project that creates hazardous conditions or significant delays to traffic, transit, bicycles, or pedestrians could adversely affect the physical environment. Whether a shortfall in parking creates such conditions will depend on the magnitude of the shortfall and the ability of drivers to change travel patterns or switch to

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<sup>8</sup> San Francisco Planning Department, *Transit-Oriented Infill Project Eligibility Checklist for 1801 and 1863 Mission Street*, May 27, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.1011E.



other travel modes. If a substantial shortfall in parking caused by a project creates hazardous conditions or significant delays in travel, such a condition could also result in secondary physical environmental impacts (e.g., air quality or noise impacts caused by congestion), depending on the project and its setting.

The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles, or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service or other modes (walking and biking) would be in keeping with the City's Transit First policy and numerous *San Francisco General Plan (General Plan)* policies, including those in the Transportation Element. The City's Transit First Policy, established in the City Charter, Article 8A, Section 8A.115, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. The secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area, and thus choose to reach their destination by other modes (e.g., walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise, and pedestrian safety analyses, would reasonably address potential secondary effects.

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
<b>5. NOISE—Would the project:</b>				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR identified potential conflicts related to residences and other noise-sensitive uses in proximity to noisy uses such as PDR, retail, entertainment, cultural/institutional/educational uses, and office uses. In addition, the Eastern Neighborhoods PEIR noted that implementation of the Eastern Neighborhoods Area Plans and Rezoning would incrementally increase traffic-generated noise on some streets in the Plan Areas and result in construction noise impacts from pile driving and other construction activities. The Eastern Neighborhoods PEIR therefore identified six noise mitigation measures that would reduce noise impacts to less-than-significant levels.

### Construction Impacts

Eastern Neighborhoods PEIR Mitigation Measures F-1 and F-2 relate to construction noise. Mitigation Measure F-1 addresses individual projects that include pile driving, and Mitigation Measure F-2 addresses individual projects that include particularly noisy construction procedures (including pile driving). The proposed project could include pre-cast pier driving or soil densification activities; thus Eastern Neighborhoods PEIR Mitigation Measures F-1 and F-2 apply as Project Mitigation Measures M-NO-1 and M-NO-2. Implementation of project Mitigation Measures M-NO-1 and M-NO-2 would reduce noise impacts associated with pile driving and other noisy construction procedures to less-than-significant levels. The project sponsor has agreed to implement Mitigation Measures M-NO-1 and M-NO-2, discussed in the Mitigation and Improvement Measures section below.

In addition, all construction activities for the proposed project (approximately 18 to 24 months) would be subject to and would comply with the San Francisco Noise Ordinance (Noise Ordinance), which is codified as Article 29 of the San Francisco Police Code. The Noise Ordinance regulates construction noise and requires that construction work be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works (DPW) or the Director of the Department of Building Inspection (DBI) to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m. unless the Director of the DPW authorizes a special permit for conducting the work during that period.

The DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the 18- to 24-month construction period for the proposed project, occupants of the nearby properties could be disturbed by construction noise. Times may occur when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The

increase in noise in the project area during project construction would not be considered a significant impact of the proposed project, because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be required to comply with the Noise Ordinance.

### Operational Impacts

Eastern Neighborhoods PEIR Mitigation Measures F-3 and F-4 require that a detailed analysis of noise reduction requirements be conducted for new development that includes noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn). Accordingly, the project sponsor has conducted an environmental noise study demonstrating that the proposed project can feasibly attain acceptable interior noise levels.<sup>9, 10</sup>

Ambient noise levels in San Francisco are largely influenced by traffic. An approximate doubling in traffic volumes in the area would be necessary to produce an increase in ambient noise levels barely perceptible to most people (a 3-dB increase). As discussed under CPE Checklist Topic 4, Transportation and Circulation, the proposed project would generate 34 vehicle trips during the p.m. peak hour. Even if all of the 34 p.m. peak hour vehicle trips associated with the proposed project are added to Mission Street, the proposed project would not double the traffic volumes in the area. Therefore, the proposed project would not double traffic volumes, and would not result in a perceptible noise increase from project-related traffic.

The project includes mechanical equipment that could produce operational noise, such as that from heating and ventilation systems. These operations would be subject to Section 2909 of the Noise Ordinance. The proposed project would comply with Section 2909 by including acoustical construction improvements to achieve an interior day-night equivalent sound level of 45 dBA. Compliance with Section 2909 would minimize noise from building operations. Therefore, noise effects related to building operation would be less than significant, and the proposed building would not contribute considerably to any cumulative noise impacts from mechanical equipment.

Based on expected implementation of noise study recommendations with respect to controlling exterior noise intrusion, acceptable interior noise levels would be attained by the proposed project. During review of the building permit, the DBI would review project plans for compliance with applicable noise standards. Compliance with applicable standards and with the *General Plan* would ensure that effects from exposure to ambient noise would result in less-than-significant impacts.

Eastern Neighborhoods PEIR Mitigation Measure F-5 addresses impacts related to individual projects that include new noise-generating uses that would be expected to generate noise levels in excess of ambient noise in the project site vicinity. The proposed project includes the construction of two mixed-use buildings that are not expected to generate noise levels in excess of existing ambient levels. Therefore, Eastern Neighborhoods PEIR Mitigation Measures F-5 does not apply to the proposed project.

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<sup>9</sup> Wilson Ihrig & Associates, *Preliminary Noise Study for 1801 Mission Street*, August 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.1011E.

<sup>10</sup> Wilson Ihrig & Associates, *Preliminary Noise Study for 1863 Mission Street*, August 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.1011E.

Mitigation Measure F-6 addresses impacts from existing ambient noise levels on open space required under the Planning Code for new development that includes noise-sensitive uses. Eastern Neighborhoods PEIR Mitigation Measure F-6 applies as Project Mitigation Measure M-NO-3, discussed in the Mitigation and Improvement Measures section below. To achieve the objectives of the *General Plan's* Environmental Protection Element pertaining to lessening noise intrusion and development of appropriate uses that are compatible with the noise guidelines (Objectives 10 and 11), projects that are in noisy areas should protect open space, to the maximum feasible extent, from existing ambient noise levels. The proposed third-floor open space at 1801 Mission Street would be protected from traffic noise. The open space would be at the rear of the proposed building, and it would be shielded from Mission Street by the proposed building. The proposed roof terraces at 1801 and 1863 Mission Street would be shielded by roof screens.

The project site is not located within an airport land use plan area, within two miles of a public airport, or in the vicinity of a private airstrip. Therefore, CPE Checklist Topics 5e and 5f are not applicable.

For these reasons, the proposed project would not result in significant noise impacts that were not identified in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>6. AIR QUALITY—Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR identified potentially significant air quality impacts resulting from construction activities and impacts to sensitive land uses<sup>11</sup> as a result of exposure to elevated levels of diesel particulate matter (DPM) and other toxic air contaminants (TACs). The Eastern Neighborhoods PEIR identified four mitigation measures that would reduce these air quality impacts to less-than-

<sup>11</sup> The Bay Area Air Quality Management District (BAAQMD) considers sensitive receptors as children, adults, or seniors occupying or residing in: 1) residential dwellings, including apartments, houses, condominiums, 2) schools, colleges, and universities, 3) daycares, 4) hospitals, and 5) senior care facilities. BAAQMD, Recommended Methods for Screening and Modeling Local Risks and Hazards, May 2011, p. 12.

significant levels and stated that with implementation of identified mitigation measures, the Area Plan would be consistent with the Bay Area 2005 Ozone Strategy, the applicable air quality plan at that time. All other air quality impacts were found to be less than significant.

Eastern Neighborhoods PEIR Mitigation Measure G-1 addresses air quality impacts during construction, PEIR Mitigation Measure G-2 addresses the siting of sensitive land uses near sources of TACs, and PEIR Mitigation Measures G-3 and G-4 address proposed uses that would emit DPM and other TACs.

### **Construction Dust Control**

Eastern Neighborhoods PEIR Mitigation Measure G-1: Construction Air Quality, requires individual projects involving construction activities to include dust control measures and to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants. The San Francisco Board of Supervisors subsequently approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance No. 176-08, effective July 30, 2008). The intent of the Construction Dust Control Ordinance is to reduce the quantity of fugitive dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). Project-related construction activities would result in construction dust, primarily from ground-disturbing activities. In compliance with the Construction Dust Control Ordinance, the project sponsor and contractor responsible for construction activities at the project site would be required to control construction dust on the site through a combination of watering disturbed areas, covering stockpiled materials, sweeping streets and sidewalks, and other measures.

The regulations and procedures set forth in the Construction Dust Control Ordinance would ensure that construction dust impacts would not be significant. These requirements supersede the dust control provisions of PEIR Mitigation Measure G-1. Therefore, the portion of PEIR Mitigation Measure G-1 that addresses dust control is no longer applicable to the proposed project.

### **Criteria Air Pollutants**

While the Eastern Neighborhoods PEIR determined that at a program-level, the Eastern Neighborhoods Rezoning and Area Plans would not result in significant regional air quality impacts, the PEIR states that “Individual development projects undertaken in the future pursuant to the new zoning and area plans would be subject to a significance determination based on the BAAQMD’s quantitative thresholds for individual projects.”<sup>12</sup> The BAAQMD’s *CEQA Air Quality Guidelines (Air Quality Guidelines)* provide screening criteria<sup>13</sup> for determining whether a project’s criteria air pollutant emissions would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants. Pursuant to the *Air Quality Guidelines*, projects that meet the screening criteria do not have a significant impact related to criteria air pollutants. Criteria air pollutant emissions during construction and operation of the proposed project would meet the *Air Quality Guidelines* screening criteria. The proposed project, with a total of 54 dwelling units, is below both the construction screening criterion (“apartment, high-rise, 249 dwelling units” land use type) and the

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<sup>12</sup> San Francisco Planning Department, *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, p. 346. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=4003>. Accessed January 30, 2015.

<sup>13</sup> Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, updated May 2011, pp. 3-2 to 3-3.

operational screening criterion (“apartment, high-rise, 510 dwelling units” land use type). Therefore, the proposed project would not have a significant impact related to criteria air pollutants, and a detailed air quality assessment is not required.

### Health Risk

Subsequent to certification of the Eastern Neighborhoods PEIR, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes (Ordinance No. 224-14, effective December 8, 2014), generally referred to as Health Code Article 38: Enhanced Ventilation Required for Urban Infill Sensitive Use Developments (Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone (APEZ) and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the APEZ. The APEZ, as defined in Article 38, consists of areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative PM<sub>2.5</sub> concentration and cumulative excess cancer risk. The APEZ incorporates health vulnerability factors and proximity to freeways. Projects within the APEZ require special consideration to determine whether the project’s activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality.

### Construction

The project site is located within an identified APEZ; therefore, the ambient health risk to sensitive receptors from air pollutants is considered substantial. The proposed project would require heavy-duty off-road diesel vehicles and equipment during the first six months of the anticipated 18- to 24-month construction period. Thus, Project Mitigation Measure M-AQ-1: Construction Air Quality, has been identified to implement the portions of Eastern Neighborhoods PEIR Mitigation Measure G-1 related to emissions exhaust by requiring engines with higher emissions standards on construction equipment. Project Mitigation Measure M-AQ-1 would reduce DPM exhaust from construction equipment by 89 to 94 percent compared to uncontrolled construction equipment.<sup>14</sup> Therefore, impacts related to construction health risks would be less than significant through implementation of Project Mitigation Measure M-AQ-1. The full text of Project Mitigation Measure M-AQ-1 is provided in the Mitigation and Improvement Measures section below.

### Siting Sensitive Land Uses

For sensitive use projects within the APEZ as defined by Article 38, such as the proposed project, the ordinance requires that the project sponsor submit an Enhanced Ventilation Proposal for approval by the

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<sup>14</sup> PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 2 with Tier 1 and Tier 0. Tier 0 off-road engines do not have PM emission standards, but the United States Environmental Protection Agency’s *Exhaust and Crankcase Emissions Factors for Nonroad Engine Modeling – Compression Ignition* has estimated Tier 0 engines between 50 and 100 hp to have a PM emission factor of 0.72 g/hp-hr and greater than 100 hp to have a PM emission factor of 0.40 g/hp-hr. Therefore, requiring off-road equipment to have at least a Tier 2 engine would result in between a 25 percent and 63 percent reduction in PM emissions, compared to off-road equipment with Tier 1 or Tier 0 engines. The 25 percent reduction comes from comparing the PM emission standards for off-road engines between 25 hp and 50 hp for Tier 2 (0.45 g/bhp-hr) and Tier 1 (0.60 g/bhp-hr). The 63 percent reduction comes from comparing the PM emission standards for off-road engines above 175 hp for Tier 2 (0.15 g/bhp-hr) and Tier 0 (0.40 g/bhp-hr). In addition to the Tier 2 requirement, ARB Level 3 VDECSs are required and would reduce PM by an additional 85 percent. Therefore, the mitigation measure would result in between an 89 percent (0.0675 g/bhp-hr) and 94 percent (0.0225 g/bhp-hr) reduction in PM emissions, as compared to equipment with Tier 1 (0.60 g/bhp-hr) or Tier 0 engines (0.40 g/bhp-hr).

Department of Public Health (DPH) that achieves protection from PM<sub>2.5</sub> (fine particulate matter) equivalent to that associated with a Minimum Efficiency Reporting Value 13 filtration. The DBI will not issue a building permit without written notification from the Director of the DPH that the applicant has an approved Enhanced Ventilation Proposal.

In compliance with Article 38, the project sponsor submitted an enhanced ventilation proposal for 1801 Mission Street, which was reviewed and approved by the DPH.<sup>15</sup> The regulations and procedures set forth in Article 38 would ensure that exposure to sensitive receptors would not be significant. These requirements supersede the provisions of Eastern Neighborhoods PEIR Mitigation Measure G-2: Air Quality for Sensitive Land Uses. Therefore, Eastern Neighborhoods PEIR Mitigation Measure G-2 is no longer applicable to the proposed project, and impacts related to siting new sensitive land uses would be less than significant through compliance with Article 38.

### Siting New Sources

The proposed project would not be expected to generate 100 trucks per day or 40 refrigerated trucks per day. In addition, the proposed project would not include a backup diesel generator. Therefore, Eastern Neighborhoods PEIR Mitigation Measures G-3: Siting of Uses that Emit DPM, and Mitigation Measure G-4: Siting of Uses that Emit Other TACs, are not applicable to the proposed project.

### Conclusion

The portion of Eastern Neighborhoods PEIR Mitigation Measure G-1: Construction Air Quality, that addresses exhaust emissions from construction equipment is the only Eastern Neighborhoods PEIR air quality mitigation measure that is applicable to the proposed project. The proposed project is required to comply with the provisions of the Construction Dust Control Ordinance and Health Code Article 38. For these reasons, the proposed project would not result in significant air quality impacts that were not identified in the PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>7. GREENHOUSE GAS EMISSIONS— Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR assessed the GHG emissions that could result from the three rezoning options under the Eastern Neighborhoods Rezoning and Area Plans. The Eastern Neighborhoods

<sup>15</sup> San Francisco Department of Public Health, Certification that Enhanced Ventilation Proposal for 1801 Mission Street Meets Performance Standard, September 24, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.1011E.



Rezoning Options A, B, and C are anticipated to result in GHG emissions on the order of 4.2, 4.3 and 4.5 metric tons of CO<sub>2</sub>E<sup>16</sup> per service population,<sup>17</sup> respectively. The Eastern Neighborhoods PEIR concluded that the resulting GHG emissions from the three options analyzed would be less than significant, and no mitigation measures were identified in the PEIR.

Regulations outlined in San Francisco's Strategies to Address Greenhouse Gas Emissions have proven effective as San Francisco's GHG emissions have been measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded Executive Order S-3-05, Assembly Bill 32, and the *Bay Area 2010 Clean Air Plan's* GHG reduction goals for the year 2020. The proposed project was determined to be consistent with San Francisco's GHG Reduction Strategy. Other existing regulations, such as those implemented through Assembly Bill 32, will continue to reduce a proposed project's contribution to climate change. Therefore, the proposed project's GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations, and the proposed project's contribution to GHG emissions would not be cumulatively considerable or generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment.

As the proposed project is within the scope of development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on GHG emissions beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>8. WIND AND SHADOW—Would the project:</b>				
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Wind

Based upon experience of the Planning Department in reviewing wind analyses and expert opinion on other projects, it is generally (but not always) the case that projects under 80 feet in height do not have the potential to generate significant wind impacts. Although the heights of the proposed buildings would be 40 to 68 feet<sup>18</sup> and the buildings would be taller than the immediately adjacent buildings, they would be similar in height to existing buildings in the surrounding area. For these reasons, the proposed project is

<sup>16</sup> CO<sub>2</sub>E, defined as equivalent carbon dioxide, is a quantity that describes other greenhouse gases in terms of the amount of carbon dioxide that would have an equal global warming potential.

<sup>17</sup> Memorandum from Jessica Range to Environmental Planning Division staff, Greenhouse Gas Analyses for Community Plan Exemptions in Eastern Neighborhoods, April 20, 2010. This memorandum provides an overview of the GHG analysis conducted for the Eastern Neighborhoods PEIR and provides an analysis of the emissions using a service population (equivalent of total number of residents and employees) metric.

<sup>18</sup> 1801 Mission Street is within a 68-X Height and Bulk District, and 1863 Mission Street is within 40-X and 65-X Height and Bulk Districts.

not anticipated to cause significant wind impacts that were not identified in the Eastern Neighborhoods PEIR.

### Shadow

Planning Code Section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. Under the Eastern Neighborhoods Rezoning and Area Plans, sites surrounding parks could be redeveloped with taller buildings without triggering Planning Code Section 295, because certain parks are not subject to Section 295 (i.e., they are under the jurisdiction of government agencies other than the Recreation and Park Commission or privately owned). The Eastern Neighborhoods PEIR could not conclude if the implementation of the Area Plans would result in less-than-significant shadow impacts, because the feasibility of complete mitigation for potential new shadow impacts of unknown proposals could not be determined at that time. Therefore, the PEIR determined shadow impacts to be significant and unavoidable. No mitigation measures were identified in the PEIR.

The proposed project would construct two buildings on non-contiguous vacant lots. The heights of the proposed buildings would be 40 to 68 feet; therefore, the Planning Department prepared a preliminary shadow fan analysis to determine whether the proposed project would have the potential to cast new shadow on nearby parks. The shadow fan analysis prepared by the Planning Department determined that the project as proposed would not cast shadow on any nearby parks.<sup>19</sup>

The proposed project would also shade portions of nearby streets and sidewalks and private property at times within the project vicinity. Shadows on streets and sidewalks would not exceed levels commonly expected in urban areas and would be considered a less-than-significant effect under CEQA. Although occupants of nearby properties may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

For these reasons, the proposed project would not result in significant shadow impacts that were not identified in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>9. RECREATION—Would the project:</b>				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>19</sup> San Francisco Planning Department, Shadow Fan Analysis for 1801, 1863, and 1875 Mission Street, January 22, 2010. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.1011E.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR concluded that implementation of the Eastern Neighborhoods Rezoning and Area Plans would not result in substantial or accelerated deterioration of existing recreational resources or require the construction or expansion of recreational facilities that may have an adverse effect on the environment. No mitigation measures related to recreational resources were identified in the Eastern Neighborhoods PEIR.

As the proposed project does not degrade recreational facilities and is within the scope of development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on recreation beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>10. UTILITIES AND SERVICE SYSTEMS—Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in a significant impact to the provision of water, wastewater collection and treatment, and solid waste collection and disposal. No mitigation measures were identified in the PEIR.

As the proposed project is within the scope of development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on utilities and service systems beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>11. PUBLIC SERVICES—Would the project:</b>				
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in a significant impact to public services, including fire protection, police protection, and public schools. No mitigation measures were identified in the PEIR.

As the proposed project is within the scope of development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on public services beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>12. BIOLOGICAL RESOURCES—Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As discussed in the Eastern Neighborhoods PEIR, the Eastern Neighborhoods Plan Area is in a developed urban environment that does not provide native natural habitat for any rare or endangered plant or animal species. There are no riparian corridors, estuaries, marshes, or wetlands in the Plan Area that could be affected by the development anticipated under the Eastern Neighborhoods Rezoning and Area Plans. In addition, development envisioned under the Eastern Neighborhoods Rezoning and Area Plans would not substantially interfere with the movement of any resident or migratory wildlife species. For these reasons, the PEIR concluded that implementation of the Eastern Neighborhoods Rezoning and Area Plans would not result in significant impacts on biological resources, and no mitigation measures were identified.

As the proposed project is within the scope of development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on biological resources beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>13. GEOLOGY AND SOILS—Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography or any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR concluded that implementation of the Eastern Neighborhoods Rezoning and Area Plans would indirectly increase the population that would be subject to an earthquake, including seismically induced ground shaking, liquefaction, and landslides. The PEIR also noted that new development is generally safer than comparable older development due to improvements in building codes and construction techniques. Compliance with applicable codes and recommendations made in project-specific geotechnical analyses would not eliminate earthquake risks, but would reduce them to an acceptable level, given the seismically active characteristics of the Bay Area. Thus, the PEIR concluded that implementation of the Eastern Neighborhoods Rezoning and Area Plans would not result in significant impacts related to geology, and no mitigation measures were identified in the Eastern Neighborhoods PEIR.

Because the project site consists of two non-contiguous lots along Mission Street, two geotechnical investigations were prepared for the proposed project.

### 1801 Mission Street

The geotechnical report recommends that the proposed building be supported on a mat foundation and supported by deep-seated piers or densified soils. If excavations are made below the footings of adjacent buildings and city sidewalks, shoring underpinning will be required. Retaining walls must be designed to resist lateral earth pressures and additional lateral pressures that may be caused by surcharge loads applied at the ground surface behind the walls. Adequate drainage systems should be provided and connected to the City's sewer system in accordance with City requirements. An approximately 2.5-foot-thick mat concrete slab foundation would be constructed, requiring eight to 12 feet of excavation. If the

soil densification option is chosen to support the mat foundation, soil densification to a depth of 18 feet below existing grade would be required.<sup>20</sup>

### 1863 Mission Street

The geotechnical report recommends that the proposed building be supported on a mat foundation on the dense underlying sand material. The foundation should extend into the bearing material a minimum of 18 inches. Imported material shall be compacted to a minimum of 95 percent relative compaction. If excavations are made below the footings of adjacent buildings and city sidewalks, shoring underpinning will be required. Retaining walls must be designed to resist lateral earth pressures and additional lateral pressures that may be caused by surcharge loads applied at the ground surface behind the walls. Adequate drainage systems should be provided and connected to the City's sewer system in accordance with City requirements. As discussed in the project description, an approximately 2.5-foot-thick mat concrete slab foundation would be constructed, requiring eight to 12 feet of excavation.<sup>21</sup>

The proposed project is required to comply with the San Francisco Building Code, which ensures the safety of all new construction in the City. The Department of Building Inspection (DBI) will review the project-specific geotechnical report during its review of the building permit application for the proposed project. In addition, the DBI may require additional site-specific soils report(s) through the building permit application process, as needed. The requirement for a geotechnical report and review of the building permit application pursuant to the DBI's implementation of the Building Code would ensure that the proposed project would have no significant impacts related to seismic or other geologic hazards.

For these reasons, the proposed project would not result in significant impacts related to geology and soils that were not identified in the Eastern Neighborhoods PEIR, and no mitigation measures are necessary.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>14. HYDROLOGY AND WATER QUALITY—Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>20</sup> P. Whitehead and Associates Consulting Engineers, *Geotechnical Report for 1801 Mission Street*, February 28, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.1011E.

<sup>21</sup> P. Whitehead and Associates Consulting Engineers, *Geotechnical Report for 1863 Mission Street*, February 10, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.1011E.

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that the anticipated increase in population would not result in a significant impact on hydrology and water quality, including the combined sewer system and the potential for combined sewer outflows. No mitigation measures were identified in the PEIR.

Both of the existing lots are completely paved, so construction of the proposed project would not increase the area of impervious surfaces. As a result, the proposed project would not increase stormwater runoff.

For these reasons, the proposed project would not result in any significant impacts related to hydrology and water quality that were not identified in the Eastern Neighborhoods PEIR.



<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>15. HAZARDS AND HAZARDOUS MATERIALS—Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR noted that implementation of any of the proposed project's rezoning options would encourage construction of new development within the Plan Area. The PEIR found that there is a high potential to encounter hazardous materials during construction activities in many parts of the Plan Area because of the presence of 1906 earthquake fill, previous and current land uses associated with the use of hazardous materials, and known or suspected hazardous materials cleanup cases. However, the PEIR found that existing regulations for facility closure, underground storage tank closure, and investigation and cleanup of soil and groundwater would ensure implementation of measures to protect workers and the community from exposure to hazardous materials during construction.

During operations, the PEIR found that businesses that use or generate hazardous substances (cleaners, solvents, etc.), would be subject to existing regulations that would protect workers and the community from exposure to hazardous materials during operations. In addition, compliance with existing building and fire codes would reduce impacts related to potential fire hazards, emergency response, and evacuation hazards to less-than-significant levels.

### **Hazardous Building Materials**

The Eastern Neighborhoods PEIR determined that future development in the Plan Area may involve demolition or renovation of existing structures containing hazardous building materials. Some building materials commonly used in older buildings could present a public health risk if disturbed during an accident or during demolition or renovation of an existing building. Hazardous building materials addressed in the PEIR include asbestos, electrical equipment such as transformers and fluorescent light ballasts that contain PCBs or di (2 ethylhexyl) phthalate (DEHP), fluorescent lights containing mercury vapors, and lead-based paints. Asbestos and lead-based paint may also present a health risk to existing building occupants if they are in a deteriorated condition. If removed during demolition of a building, these materials would also require special disposal procedures. The Eastern Neighborhoods PEIR identified a significant impact associated with hazardous building materials including PCBs, DEHP, and mercury and determined that that Mitigation Measure L-1: Hazardous Building Materials, would reduce effects to less-than-significant levels. Because the proposed development includes demolition of an existing building located at 1801 Mission Street, Mitigation Measure L-1 applies to the proposed project as Project Mitigation Measure M-HZ-1. The full text of Mitigation Measure M-HZ-1 is provided in the Mitigation and Improvement Measures section below.

### **Soil and Groundwater Contamination**

A portion of the project site, 1801 Mission Street, is located in a Maher Area.<sup>22, 23</sup> The proposed project would require excavation to depths varying from eight to 12 feet below ground surface. In total, approximately 5,500 cubic yards of soil would be excavated at the project site. The soil would either be used at the project site or disposed of in accordance with current regulations. For these reasons, the proposed project is subject to Article 22A of the Health Code, also known as the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH). The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6.

The Phase I ESA would determine the potential for site contamination and level of exposure risk associated with the proposed project. Based on that information, the project sponsor may be required to conduct soil and/or groundwater sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a site mitigation plan (SMP) to the DPH or other appropriate state or federal agency(ies) and to remediate any site contamination in accordance with an approved SMP prior to the issuance of any building permit.

In compliance with the Maher Ordinance, the project sponsor entered the project into the Maher program and submitted Phase I ESAs and Phase II Subsurface Investigation reports to the DPH; these reports are summarized below.

Previous activities on the project site used or likely used hazardous materials. The lot at 1801 Mission Street was previously used for automobile parking and automobile storage. Previous uses of the lot at

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<sup>22</sup> A site in a Maher Area is known or suspected to contain contaminated soil and/or groundwater.

<sup>23</sup> According to the San Francisco Planning Department's GIS database, 1863 Mission Street is not located within a Maher Area. Database accessed on January 30, 2015.

1863 Mission Street include a lumber mill, automobile parking, and automobile storage.<sup>24, 25</sup> The subsurface investigation conducted at 1801 and 1863 Mission Street to evaluate soil, soil vapor, and groundwater conditions indicated that concentrations of tetrachloroethene, trichloroethene, and cis-1,2-Dichloroethene in groundwater are below the environmental screening levels (ESLs) established by the San Francisco Bay Regional Water Quality Control Board.<sup>26</sup> Concentrations of phenol in soil are below established ESLs. The results also indicated that the following chemicals were encountered in concentrations above established ESLs: arsenic in soil; cyanide, methane, and nickel in groundwater; and ethylbenzene and benzene in soil vapor.<sup>27, 28</sup>

The proposed project is not on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code. However, there are reports of off-site spills that could have significant impacts on the soil or groundwater beneath the project site. The proposed project would be required to remediate potential soil contamination described above in accordance with Article 22A of the Health Code. Therefore, the proposed project would not result in any significant impacts related to hazardous materials that were not identified in the Eastern Neighborhoods PEIR.

For these reasons, the proposed project would not result in significant impacts related to hazards or hazardous materials that were not identified in the Eastern Neighborhoods PEIR.

<b>Topics:</b>	<b>Significant Impact Peculiar to Project or Project Site</b>	<b>Significant Impact not Identified in PEIR</b>	<b>Significant Impact due to Substantial New Information</b>	<b>No Significant Impact not Previously Identified in PEIR</b>
<b>16. MINERAL AND ENERGY RESOURCES—Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>24</sup> AEI Consultants, *Phase I Environmental Site Assessment for 1801 Mission Street*, March 18, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.1011E.

<sup>25</sup> AEI Consultants, *Phase I Environmental Site Assessment for 1863 Mission Street*, March 18, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.1011E.

<sup>26</sup> ESLs provide conservative screening levels for over 100 chemicals commonly found at sites with contaminated soil and groundwater. They are intended to help expedite the identification and evaluation of potential environmental concerns at contaminated sites. ESLs address a range of media (soil, groundwater, soil gas, and indoor air) and a range of concerns (e.g., impacts to drinking water, vapor intrusion, and impacts to aquatic life).  
[http://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/esl.shtml](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.shtml), accessed January 30, 2015.

<sup>27</sup> AEI Consultants, *Phase II Subsurface Investigation for 1801 Mission Street*, April 18, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.1011E.

<sup>28</sup> AEI Consultants, *Phase II Subsurface Investigation for 1863 Mission Street*, April 18, 2014. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.1011E.

The Eastern Neighborhoods PEIR determined that the Eastern Neighborhoods Rezoning and Area Plans would facilitate the construction of both new residential units and commercial buildings. Development of these uses would not result in use of large amounts of fuel, water, or energy in a wasteful manner or in the context of energy use throughout the City and region. The energy demand for individual buildings would be typical for such projects and would meet, or exceed, current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the Department of Building Inspection. The Plan Area does not include any natural resources routinely extracted and the rezoning does not result in any natural resource extraction programs. Therefore, the Eastern Neighborhoods PEIR concluded that implementation of the Eastern Neighborhoods Rezoning and Area Plans would not result in a significant impact on mineral and energy resources. No mitigation measures were identified in the PEIR.

As the proposed project is within the scope of development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on mineral and energy resources beyond those analyzed in the Eastern Neighborhoods PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>17. AGRICULTURE AND FOREST RESOURCES:—Would the project:</b>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Eastern Neighborhoods PEIR determined that no agricultural resources exist in the Plan Area; therefore the rezoning and community plans would have no effect on agricultural resources. No mitigation measures were identified in the PEIR. The Eastern Neighborhoods PEIR did not analyze the effects on forest resources.

As the proposed project is within the scope of development projected under the Eastern Neighborhoods Rezoning and Area Plans, there would be no additional impacts on agriculture and forest resources beyond those analyzed in the Eastern Neighborhoods PEIR.

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## MITIGATION AND IMPROVEMENT MEASURES

### Project Mitigation Measure M-CP-1: Archeological Testing

Based on a reasonable presumption that archeological resources may be present on the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archeological Consultants List (QACL) maintained by the Planning Department archeologist. The project sponsor shall contact the Planning Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the ERO. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Section 15064.5 (a)(c).

**Consultation with Descendant Communities.** On discovery of an archeological site<sup>29</sup> associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate representative<sup>30</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site, and to consult with ERO regarding appropriate archeological treatment of the site; of recovered data from the site; and if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report shall be provided to the representative of the descendant group.

**Archeological Testing Program.** The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project; the testing method to be used; and the locations recommended for testing. The purpose of the

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<sup>29</sup> The term "archeological site" is intended to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>30</sup> An "appropriate representative" of the descendant group is defined, in the case of Native Americans, as any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission; and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Planning Department archeologist.

archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If, based on the archeological testing program, the archeological consultant finds that significant archeological resources may be present, the ERO, in consultation with the archeological consultant, shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor, either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance, and that interpretive use of the resource is feasible.

**Archeological Monitoring Program.** If the ERO, in consultation with the archeological consultant, determines that an archeological monitoring program shall be implemented, the archeological monitoring program shall minimally include the following provisions:

The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to the commencement of any project-related soils-disturbing activities. The ERO, in consultation with the archeological consultant, shall determine which project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), or site remediation shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context.

The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource.

The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits.

The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis.

If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect

demolition/excavation/pile-driving/construction activities and equipment until the deposit is evaluated. If, in the case of pile-driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile-driving activity may affect an archeological resource, the pile-driving activity shall be terminated until an appropriate evaluation of the resource has been made, in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

**Archeological Data Recovery Program.** The archeological data recovery program shall be conducted in accordance with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. The ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- **Field Methods and Procedures.** Descriptions of proposed field strategies, procedures, and operations.
- **Cataloguing and Laboratory Analysis.** Description of selected cataloguing system and artifact analysis procedures.
- **Discard and De-accession Policy.** Description of and rationale for field and post-field discard and de-accession policies.
- **Interpretive Program.** Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- **Security Measures.** Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- **Final Report.** Description of proposed report format and distribution of results.
- **Curation.** Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

**Human Remains and Associated or Unassociated Funerary Objects.** The treatment of human remains and of associated or unassociated funerary objects discovered during any soils-disturbing activity shall comply with applicable state and federal laws. This shall include immediate notification of the Coroner

of the City and County of San Francisco; and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines, Section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

**Final Archeological Resources Report.** The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert in the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one copy, and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound, and one unlocked, searchable PDF copy on CD of the FARR, along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/CRHR. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

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**Project Mitigation Measure M-NO-1: Construction Noise from Pile Driving (Mitigation Measure F-1 of the Eastern Neighborhoods PEIR)**

The project sponsor shall ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration. No impact pile drivers shall be used unless absolutely necessary. Contractors shall use pile-driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. The project sponsor shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.

**Project Mitigation Measure M-NO-2: Construction Noise (Mitigation Measure F-2 of the Eastern Neighborhoods PEIR)**

The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection (DBI) to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:

- Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses;



- Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses;
- Monitor the effectiveness of noise attenuation measures by taking noise measurements; and
- Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.

**Project Mitigation Measure M-NO-3: Open Space in Noisy Environments (Mitigation Measure F-6 of the Eastern Neighborhoods PEIR)**

To minimize effects on development in noisy areas, for new development including noise-sensitive uses, the Planning Department shall, through its building permit review process, in conjunction with noise analysis required pursuant to Mitigation Measure F-4, require that open space required under the Planning Code for such uses be protected, to the maximum feasible extent, from existing ambient noise levels that could prove annoying or disruptive to users of the open space. Implementation of this measure could involve, among other things, site design that uses the building itself to shield on-site open space from the greatest noise sources, construction of noise barriers between noise sources and open space, and appropriate use of both common and private open space in multi-family dwellings, and implementation would also be undertaken consistent with other principles of urban design.

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**Project Mitigation Measure M-AQ-1: Construction Air Quality (Mitigation Measure G-1 of the Eastern Neighborhoods PEIR)**

The project sponsor or the project sponsor's Contractor shall comply with the following:

*A. Engine Requirements.*

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.
2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind

operators of the two-minute idling limit.

4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

**B. Waivers.**

1. The Planning Department's Environmental Review Officer (ERO) or designee may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for on-site power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to the table below.

**Table – Off-Road Equipment Compliance Step-down Schedule**

<b>Compliance Alternative</b>	<b>Engine Emission Standard</b>	<b>Emissions Control</b>
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.

\*\* Alternative fuels are not a VDECS.

- C. Construction Emissions Minimization Plan.** Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.

1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every

construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.

2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.
  3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.
- D. *Monitoring.* After start of construction activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.

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#### **Project Mitigation Measure M-HZ-1: Hazardous Building Materials (Mitigation Measure L-1 of the Eastern Neighborhoods PEIR)**

The project sponsor shall ensure that any equipment containing polychlorinated biphenyls (PCBs) or di (2 ethylhexyl) phthalate (DEHP), such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.

**Sent:** Tuesday, March 27, 2018 11:47 AM  
**To:** Ajello Hoagland, Linda (CPC)  
**Subject:** Concerns about 1863 Mission Street Project

Hello Linda,

I live directly next door to 1863 Mission Street and wanted to raise a few concerns I had regarding this new project. Our building @ 1875 Mission Street has a gorgeous roof deck and pool with an amazing city view. The new construction of 1863 will obstruct our view of downtown, block natural sun light, and will disturb our privacy. I am hoping that the SF planning committee take these concerns into consideration as one of the many reasons we chose to purchase our homes in our building was because it offered unique features that other buildings did not.

Thank you for your time!  
Home Owner @ 1875 Mission Street

Dear Supervisor Ronen, Planning Commissioners and staff:

1863 Mission developer, Michael Mamone with Corovan LLC is a serial gentrifier, back now before the Commission with yet another project with less than minimum community benefits to the Mission District, where he's already made a fortune.

United to Save the Mission is asking that the developer:

- to build a project that includes benefits to the community in which he is making his profit for himself and his investors
- increase the inclusionary affordable housing by adding additional BMR units or adding federally subsidized housing units through a partnership with Brilliant Corners.
- provide a long term lease for the commercial space at \$2/SF to a community serving business such as a neighborhood non-profit.
- alter the facade of the commercial space to bring the windows more in character with the cultural and architectural context of Mission Street

**Mr. Mamone has developed the following projects in the Mission in the past 5 years, this being the 3rd on this one block, all without much, if any, affordable units and no community benefits on any project:**

- [200 Dolores Street](#) - 13 luxury units total - paid in lieu fee to not include any affordable
- [1875 Mission Street](#) - 39 luxury units total/6 affordable (15%) - currently uses the commercial space as his development office
- [3420 18th Street](#) - 16 luxury units total - paid in lieu fee to not include any affordable - 1 market rate retail space
- [1801 Mission Street](#) - 17 luxury units total/2 affordable units (11.8%) one of the lowest to date in the mission - 1 market rate retail space and 1 second floor market rate office space

As Commissioners, you can and must take a stand. This is not a 'by right' property. The developer is asking for items that require conditional use, variances, etc. There needs to be *something* given back to the Mission; we can't sustain any more gentrification by luxury developments without ANY community mitigation efforts on the project. We believe this development, added to 1801 Mission and a future development at 344 14th street, will cumulatively impact the neighborhood and our requests of the developer are necessary to reduce direct and indirect harm to the surrounding working class residents and to preserve the cultural and economic diversity of the neighborhood.

peace,

Spike Kahn

Linda,

One last thing. The individuals who are opposing the development at 1863 Mission Street, it is my understanding that they are concerned about the “affordability” of the units there. (I put affordable in quotes because this means different things to different people obviously! But I personally don’t consider market rate housing necessarily as luxury housing - it’s just luxurious in this current market because it is so scarce!)

Anyway, to counter the affordability claim that has been raised, I just wanted to share this article and there are many other surveys and research that support this claim as well: [http://www.law.nyu.edu/sites/default/files/Been%20Ellen%20O%27Regan%20supply\\_affordability\\_Oct%2026%20revision.pdf](http://www.law.nyu.edu/sites/default/files/Been%20Ellen%20O%27Regan%20supply_affordability_Oct%2026%20revision.pdf)

Please feel free to share with the Planning Commission that most neighborhood residents do not feel that the proposal of development at 1863 Mission should be considered luxury or unaffordable. Having more housing is exactly what will keep up with growth and demand in San Francisco and help keep it more affordable for all!

Thank you!  
Florica

On May 2, 2018, at 10:31 PM, florica vlad <[florica@gmail.com](mailto:florica@gmail.com)> wrote:

Dear Linda,

I received your email from Svetha Ambati. I am a resident at 1875 Mission Street who supports the proposed development at 1863 Mission Street next door. I spoke earlier this year at the Board of Appeals meeting for the development at 1801 Mission Street as well and helped to gather over 100 signatures from neighbors who felt the same and supported more housing to fill the empty lots on our block!

As you know we desperately need more housing in San Francisco, especially close to transit, and these empty lots are not serving anyone by staying empty! So many neighbors feel the same and are so supportive of this development.

This time around for the hearing for 1863 Mission I have been so busy so I have not had as much time to do outreach and seek out signatures for my petition, so I also created an online petition through Facebook Causes in addition to a Google Docs petition.

I am including copies of both petitions in my email to you here -- so far we have about 60 signatures in support!

I do not think I will be able to attend the upcoming hearing on May 17th, but I really wanted to make sure that my voice and the voices of our neighbors who support this project be heard! So many of these decisions happen when most people are working during the day so it's so hard to

show up and be present to support! But please know that there are many people who support this development and who live on this block and are directly affected by the Planning Commission's decision for this project!

I have so much more to share with you about why we so keenly want this lot to be filled but for now I just want you to know that we are so excited that this project be moved forward! Every bit of housing approved in San Francisco now is so critical in improving our current situation and healing the growing pains the city is facing!

Thank you so much for reading!  
Florica

Timestamp	Name/Company	Address	Contact Number	Email	Signature
3/27/2018 18:40:11	William Humphreys-Clout	1875 Mission St, Unit 311	6502830290	williamhumphreyscloutier@gmail.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
3/27/2018 19:23:04	Daniel Sigvardsson	1875 Mission street #212	4156979011	daniel@diverseawarenes.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
3/27/2018 23:33:39	Ulysses Walters	1875 Mission St Unit 311	4158685664	ulywalters@gmail.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
3/28/2018 3:19:40	Emese Varga	1875 Mission Street apt 2	4153775162	Mesi.varga@gmail.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
3/28/2018 5:41:41	Jamie Tafoya	1374 7 th Ave	559-312-4270	jtafoya716@aol.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
3/28/2018 7:33:37	Thomas Bates	1875 Mission St. #208	650-479-6872	thomasstephenbates@gm	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
3/28/2018 7:45:17	Natalie Barylja	1587 15th St #405	4156903823	Natalie.barylja@gmail.co	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
3/28/2018 10:08:13	Anush Venkatesan	1875 Mission St	7655323536	avdude1@gmail.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
3/28/2018 10:16:04	Brad Strader	1875 Mission #412, SF, C	415-613-9364	bstrader@gmail.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
3/29/2018 8:51:08	Tunde Balint	1875 Mission St, Apt 212,	6508147335	balinttunde@yahoo.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
4/10/2018 7:33:53	Svettha Ambati	1875 Mission St	2064659268	svettha.ambati@gmail.co	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
4/10/2018 22:02:11	Colin Frankland	1875 Mission Street, 209	4159400625	ColinfFrankland@hotmail.c	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
4/10/2018 22:08:01	Ulysses Walters	1875 Mission St	4158685664	Ulywalters@gmail.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
4/10/2018 23:19:07	Martin Bourqui / self-empl	2689 Bryant St	415 691 0290	mbourqui@gmail.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
4/10/2018 23:32:08	Beebee	277 14th Street, San Fran	415 609 8505	m19syesterday@gmail.cc	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
4/10/2018 23:34:26	Jessalyn Rogers	1255 Silliman st	3608084742	rogersjessalyn@gmail.co	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
4/11/2018 9:25:58	Mary Aviles	1721 Hydrangea Ln	4084252175	Mariyl.aviles@gmail.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
4/11/2018 9:49:06	Tom Burns	688 South Van Ness Ave,	4158453557	pub@tombu.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
4/11/2018 13:50:43	Robert R. Tillman	2918 Mission St., San Fra	415-332-9242	rtrt@pacbell.net	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
4/11/2018 16:23:55	Eden Slezin	1875 Mission Street #209	415-710-8158	eden@edenslezin.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
4/12/2018 6:47:21	Matt Mayfield	1875 Mission Street	14153193005	matmayfield@gmail.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
4/16/2018 21:31:22	Florica Vlad	1875 Mission St #208 SF	927-463-6468	Florica@gmail.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
4/16/2018 22:04:28	Kevin Campbell	1474 15th street	8587759379	Kevin@nomnonnow.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
4/17/2018 20:24:17	Ming Lee	685 McAllister St #112, Si	9086050880	johnleeink@gmail.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
4/30/2018 3:46:23	Dawn Hayes	112 Albion St., S.F. 94111	4152559030	whistleg357@gmail.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
5/2/2018 0:05:09	JosephHege	965 Alvarado Street #1 S	415-308-3892	joehegesf@yahoo.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
5/2/2018 15:28:07	Sean Hall	538 Mangels Ave, SF, CA	415-370-5610	tbeboss3+1863mission@	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
5/2/2018 15:47:10	Rebecca Peacock	1 Saint Francis Pl	267-663-8648	rlpeacock@gmail.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
5/2/2018 16:27:46	Devin Brady	1823 15th St, Apt 2	312-813-7249	devinbrady@gmail.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.
5/2/2018 21:08:27	Margaret Joyce	48 Sycamore St. #1	513-448-8739	Lizorbethj@gmail.com	By checking this box you are effectively providing your signature, indicating that all the information on this form is true and accurate, to the best of your knowledge.





## PETITION: Sign the Petition to We are petitioning the San Francisco Planning Commission.

To: We are petitioning the San Francisco Planning Commission.

We are a group of residents that support the planned development at 1863 Mission. We have been in close contact with the developer throughout the planning phases, and are very pleased with the outcome of the building. We feel the retail and building size are appropriate for our immediate area, which lacks a lot of active retail.

We also feel the mix of affordable vs market-rate housing, which aligns with city guidelines, is appropriate for the immediate area, especially given there are 100% affordable projects at 1950 Mission (165 units), 490 South Van Ness (potentially 89 units), and now another planned for 18th & Mission (48 units).

We would like to voice our support to move this project forward without delay.

By signing, I hereby support the development of the Project, and request that the Board of Appeals decline to take jurisdiction over the permit. The development of the Project will bring much needed housing to the City. Construction of the Project should commence as soon as possible, as the existing empty lot has led to negative impacts on the surrounding area that have persisted around the site's sidewalk frontages.

## 23 SIGNATURES

	NAME	ZIP CODE	COUNTRY	DATE SIGNED
1	Florica Vlad	94103	United States	May 01, 2018
2	Vladimir Vlad	94102	United States	May 01, 2018
3	Jason Alarcón	94102	United States	May 01, 2018
4	Matt Wilson	94102	United States	May 01, 2018
5	Nancy Skinner	94401	United States	May 01, 2018
6	Zahna Simon	94146	United States	May 02, 2018
7	Peter Rothe	94121	United States	May 02, 2018
8	Saray Dugas	94117	United States	May 02, 2018
9	Naomi Aizawa Ralph	94116	United States	May 02, 2018
10	Aladin Stadlin	94103	United States	May 02, 2018
11	Sandra Frantz	94114	United States	May 02, 2018
12	Tyler Yoon	94112	United States	May 02, 2018
13	Gabriel Rafael	94115	United States	May 02, 2018
14	Jacqueline W. Burns	94103	United States	May 02, 2018
15	Kristen Dun	94117	United States	May 02, 2018

	NAME	ZIP CODE	COUNTRY	DATE SIGNED
16	Debbie Notkin	94609	United States	May 02, 2018
17	Zayed Tahir	94158	United States	May 02, 2018
18	Carmen Lee	94124	United States	May 02, 2018
19	Jaclyn Overstreet	94110	United States	May 02, 2018
20	Bennett Barouch	94536	United States	May 02, 2018
21	John Buehrens	94109	United States	May 02, 2018
22	Cecilia Soloa'i Ale	94080	United States	May 02, 2018
23	Dorothy Silva	94520	United States	May 02, 2018

# APPLICATION FOR Discretionary Review

## RECEIVED

MAR 15 2018

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT

PIC

## 1. Owner/Applicant Information

DR APPLICANT'S NAME: Kelly Hill		
DR APPLICANT'S ADDRESS: 1875 Mission Street Unit 110	ZIP CODE: 94103	TELEPHONE: (415 )640-0154
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Corovan, LLC		
ADDRESS: 1875 Mission Unit 103	ZIP CODE: 94103	TELEPHONE: (415 ) 861-9200
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ( )
E-MAIL ADDRESS: info@factory1.com		

## 2. Location and Classification

STREET ADDRESS OF PROJECT: 1863 Mission Street		ZIP CODE: 94103
CROSS STREETS: 14th and 15th Streets		
ASSESSORS BLOCK/LOT: 3548 /033	LOT DIMENSIONS: 50 x 160	LOT AREA (SQ FT): 8,000 SQ FT
ZONING DISTRICT: Mission NCT		HEIGHT/BULK DISTRICT: 40-X / 65-X

## 3. Project Description

Please check all that apply

Change of Use ☐ Change of Hours ☐ New Construction ☒ Alterations ☐ Demolition ☐ Other ☐

Additions to Building: Rear ☐ Front ☐ Height ☐ Side Yard ☐  
Vacant Lot

Present or Previous Use:

Proposed Use: Residential and Retail

Building Permit Application No. 2006.03.27.7584

Date Filed: March 27, 2006

#### 4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

I attended a pre application meeting and expressed my concerns and that I would like to discuss them further. I was advised by Stephen Antanaros that this would be something that would need to be discussed with the Developer. I emailed the developer and as of yet, no meeting time has been set.

# Discretionary Review Request

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

see attached

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

see attached

# Discretionary Review Request - 1863 Mission Street

## 1. What are the reasons for requesting Discretionary Review?

This project is in direct conflict with both General Plan and Mission Area Plan priority policies, namely:

### 1. General Plan Priority Policy 1

*That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;*

This large 1425 SQ FT, high-end commercial space with its 300 SQ Ft mezzanine space would create an upward price pressure on nearby commercial tenants. A large commercial space will not be accessible to smaller, locally serving businesses and will most likely result in additional changes to the character of the neighborhood by pricing out small businesses.

### 2. General Plan Priority Policy 2

*That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;*

This high-end commercial space with its high ceilings and tall glass windows are out of character for Mission Street. This is in direct conflict with preserving the cultural diversity of the Mission and leads potential community serving businesses and long time residents to feel that they no longer belong in the neighborhood.

### 3. Mission Area Plan Objective 2.1 - Policy 2.3.2

*Prioritize the development of affordable family housing, both rental and ownership, particularly along transit corridors and adjacent to community amenities..*

This development would include only 4 below market rate units of the total 37 units or 10.8%. We are in an affordable housing and displacement crisis and this does not come close to meeting current requirements. Clearly affordable family housing has not been prioritized on the project which sits on one of the busiest transit corridors.

### 4. Mission Area Plan Objective 2.4

*Discretionary Review, should be limited as much as possible while still ensuring adequate community review.*

Because the project sponsor put this project on hold after its initial submission on 10.23.2009, withdrew from the Planning Commission hearing on 1.18.2018 when 2016 Mission Interim Controls ended and subsequently began a rapid succession of approval steps there has not been sufficient time for community review and opportunity for input on the project. The project sponsor held their first PPA meeting limited to adjacent neighbors on 2.08.2018, We attended this meeting, submitted questions and comments along with our contact information and did not receive any further information from the project sponsor.

## 3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

As this is the third sizable project on this block of Mission Street for this development team and previous projects have included minimal amounts of affordable housing, this project should make a significant contribution to affordable housing in the neighborhood in order to remain in adherence with Priority Policies. This project should have a contextually appropriate commercial facade with either two smaller commercial spaces offered at affordable leases, or a single space offered to a community serving business with an affordable long term lease in order to remain in adherence with Priority Policies. Cumulative impacts of this project and surrounding projects should be considered by the Planning Department to reduce direct and indirect harm to the working-class residents and "preserve the cultural and economic diversity" of the neighborhood.

# Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: Kelly Hill

Date: 3.15.2018

Print name, and indicate whether owner, or authorized agent:

Kelly Hill / Appellant  
Owner / Authorized Agent (circle one)

# Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent**.

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Photocopy of this completed application	<input checked="" type="checkbox"/>
Photographs that illustrate your concerns	<input type="checkbox"/>
Covenant or Deed Restrictions	<input type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input type="checkbox"/>

**NOTES:**

☐ Required Material.

☒ Optional Material.

☐ Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

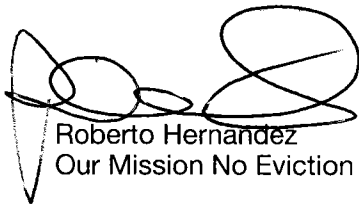


March 11, 2018

To whom it may concern-

I, Roberto Hernandez working for Our Mission No Eviction, authorize Kelly Hill to file a discretionary review to the project at 1863 Mission Street.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above the printed name.

Roberto Hernandez  
Our Mission No Eviction

**RESPONSE TO**  
**DISCRETIONARY**  
**REVIEW (DRP)**



**San Francisco**  
**Planning**

**SAN FRANCISCO PLANNING DEPARTMENT**  
1650 MISSION STREET, SUITE 400  
SAN FRANCISCO, CA 94103-2479  
MAIN: (415) 558-6378 SFPLANNING.ORG

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**Project Information**

Property Address: **1863 Market Street**

Zip Code: **94103**

Building Permit Application(s): **2006.03.27.7584**

Record Number: **2009.1011DRP**

Assigned Planner: **Linda Hoagland**

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**Project Sponsor**

Name: **Corovan, LLC c/o Michael Mamone**

Phone: **415-861-9200**

Email: **michaeljmamone@yahoo.com>**

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**Required Questions**

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.)

See attached.

2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes and indicate whether they were made before or after filing your application with the City.

See attached.

3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Include an explanation of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

See attached.

## Project Features

Please provide the following information about the project for both the existing and proposed features. **Please attach an additional sheet with project features that are not included in this table.**

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)		37
Occupied Stories (all levels with habitable rooms)		7
Basement Levels (may include garage or windowless storage rooms)		1
Parking Spaces (Off-Street)		16
Bedrooms		52
Height		65' and 40'
Building Depth		160
Rental Value (monthly)		
Property Value		

I attest that the above information is true to the best of my knowledge.

Signature: *Michael J. Mamone*

Date: April 30, 2018

Printed Name: *Michael J. Mamone*

☒ Property Owner  
☐ Authorized Agent

*If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.*

## **RESPONSE TO DISCRETIONARY REVIEW REQUEST**

### **1863 MISSION STREET (CASE NO. 2009.1001DRP)**

#### **Background**

1863 Mission Street is a small infill development principally permitted in the Mission NCT zoning district on the block of Mission Street between 14<sup>th</sup> and 15<sup>th</sup> Street across the street from the Armory. The project will replace a vacant through lot that has been a blighting influence on this block of Mission Street for many years with 37 new homes (including on-site inclusionary units) and a small 1,425 square feet of ground floor commercial space fronting Mission Street. The project is six stories (65 feet ) on Mission Street and four stories (40 feet) on Minna Street. The project sponsor, Michael Mamone of Corovan LLC, purchased the lot in the early 2000's, and initially filed a building permit application in 2002. A series of circumstances that are not the fault of the sponsor have delayed issuance of a building permit until now.

1. The Eastern Neighborhoods planning process imposed a moratorium on development in the area.
2. After the Eastern Neighborhood Plan was approved in 2008, the great recession made it impossible for Mr. Mamone to raise capital or debt to proceed. He nearly lost the property in foreclosure and was forced to borrow funds at a very high interest rate to hold onto it.
3. Once the recession ended and Mr. Mamone was able to raise funding, the architect and Planning Department spent a considerable amount of time negotiating the final project design, including its rear yard configuration and industrial style exterior materials and scale, which the Department now supports.
4. In 2015 the Planning Commission imposed the Mission Interim Controls that required a large project authorization for residential projects of more than 25 units, despite the Mission NCT zoning that makes multi-family residential a principally permitted use with no LPA requirement.
5. After further delays within the Planning Department, a Community Plan Exemption (CPE) was finally issued on November 14, 2017, and a Planning Commission approval hearing (together with a rear yard variance hearing) was calendered for January 18, 2018. The sponsor and his team, including the architect and land use attorney Steven Vettel, met with

representatives of United to Save the Mission and Planning staff on December 15, 2017. Mr. Vettel then wrote to Peter Papadopoulos, representing United to Save the Mission, on December 22, 2017, proposing certain modifications to the project to address the issues raised during the December 15 meeting, including a commitment to not lease the ground floor commercial space for a restaurant use, but rather to lease it to a non-profit community organization for 10 years at a reduced rent. United to Save the Mission never responded to the December 22 letter.

6. On January 14, 2018, four days before the January 18 LPA hearing, the Mission Interim Controls expired, and the Planning Department staff pulled the LPA hearing off the calendar and continued the variance hearing to February 28.

7. Planning staff then required Mr. Mamone to issue a new Section 312 notice giving potential opponents a 30-day period to request discretionary review, and to hold a community meeting during the 30-day period.

8. After the community meeting held on February 8, Kelly Hill filed for DR on March 15, 2018, and a Commission hearing was reset for May 10, 2018. The variance hearing was continued to that date as well. The DR request made the same demands as were made by United to Save the Mission on December 15, to which the sponsor responded in writing on December 22..

9. Mr. Mamone and Mr. Vettel met again with the DR requestor and United to Save the Mission on April 27, 2018. To date, no resolution has been reached.

**I. Given the concerns of the DR requestor, why do you feel your project should be approved.**

There are no exceptional or extraordinary circumstances that justify the exercise of DR, and no further delays are warranted. The project meets the Planning Code and is consistent with the General Plan and the expired Mission Interim Controls for the following reasons:

1. The design of the project has the approval of Department staff, is appropriate for this mixed residential/commercial location, and is not disputed by the DR requestor or United to Save the Mission..

2. The project meets the City's inclusionary housing requirement by providing 12% of the units as on-site affordable units, the percentage mandated for pipeline projects that filed an EE application prior to January 1, 2013 (Planning Code Section 415.3(b)). Given the extraordinarily long time that Mr. Mamone has had to hold the property and incur carrying costs, the delays

associated with imposition and then expiration of the Mission Interim Controls and today's high construction costs, he is not in a position to voluntarily increase the number of inclusionary units beyond the mandated 4 on-site units. As you know, the Commission does not have the authority to require an inclusionary percentage higher than mandated by the Planning Code on a case-by-case basis.

3. As only a 37-unit project, it is too small for the City to acquire for a 100% affordable development and the site is too small (8,000 square feet) to be subdivided for an affordable housing land dedication.

3. Development of mixed income housing on vacant sites in NC districts that are not displacing any PDR use or local business is fully consistent with the expired Mission Interim Controls and the Mission Area Plan. As part of the Mission 2020 plan, the Mission NCT zoning controls were amended to encourage local businesses and discourage additional restaurants. Those amendments do not affect the residential element of this project, and Mr. Mamone has already offered not to lease the commercial space to a restaurant.

3. The ground floor commercial space is limited to only 1,425 square feet in size, and is located on a block with no pattern of ground floor community serving commercial uses. It is unlikely to attract a "high end" retailer and Mr. Mamone offered to prohibit use of the space as a restaurant, an offer never accepted by United to Save the Mission or the DR requestor.

## **II. What alternatives or changes to the project are you willing to make to address the DR requestor's concerns.**

The DR requestor requests that the commercial space be divided into two smaller spaces and/or be leased at a lowered rent. Mr. Mamone has offered to subdivide the space in half and lease half to a non-profit organization at ½ market rent for 10 years in exchange for withdrawal of the DR request and a pledge not to appeal the CPE. That offer has likewise not been accepted to date.

Mr. Mamone is not in a financial position to voluntarily increase the number of on-site inclusionary units, as also requested by the DR requestor. As noted above, given the high carrying costs he has endured since 2000, entitlement delays, and current construction costs, the project cannot absorb the internal subsidies required to produce additional on-site inclusionary units.

**III. State why you believe the project would not have an adverse effect on surrounding properties.**

The project will add 37 units to the City's housing stock, including 15 two-bedroom family sized units (41%).

The project will replace a long vacant site that has been a blight in the neighborhood with a high quality mixed-use mixed-income development that is consistent in its design and massing with adjacent properties, including a height on Minna Street limited to 40 feet.

The project's Mission Street commercial space is appropriately sized at 1,425 square feet for a small community serving business or non-profit organization. The sponsor has offered to provide half the commercial space at a rent 50% below market to a non-profit community organization. There is no commercial space on Minna Street; rather, a rear yard garden opens onto that quiet residential street.

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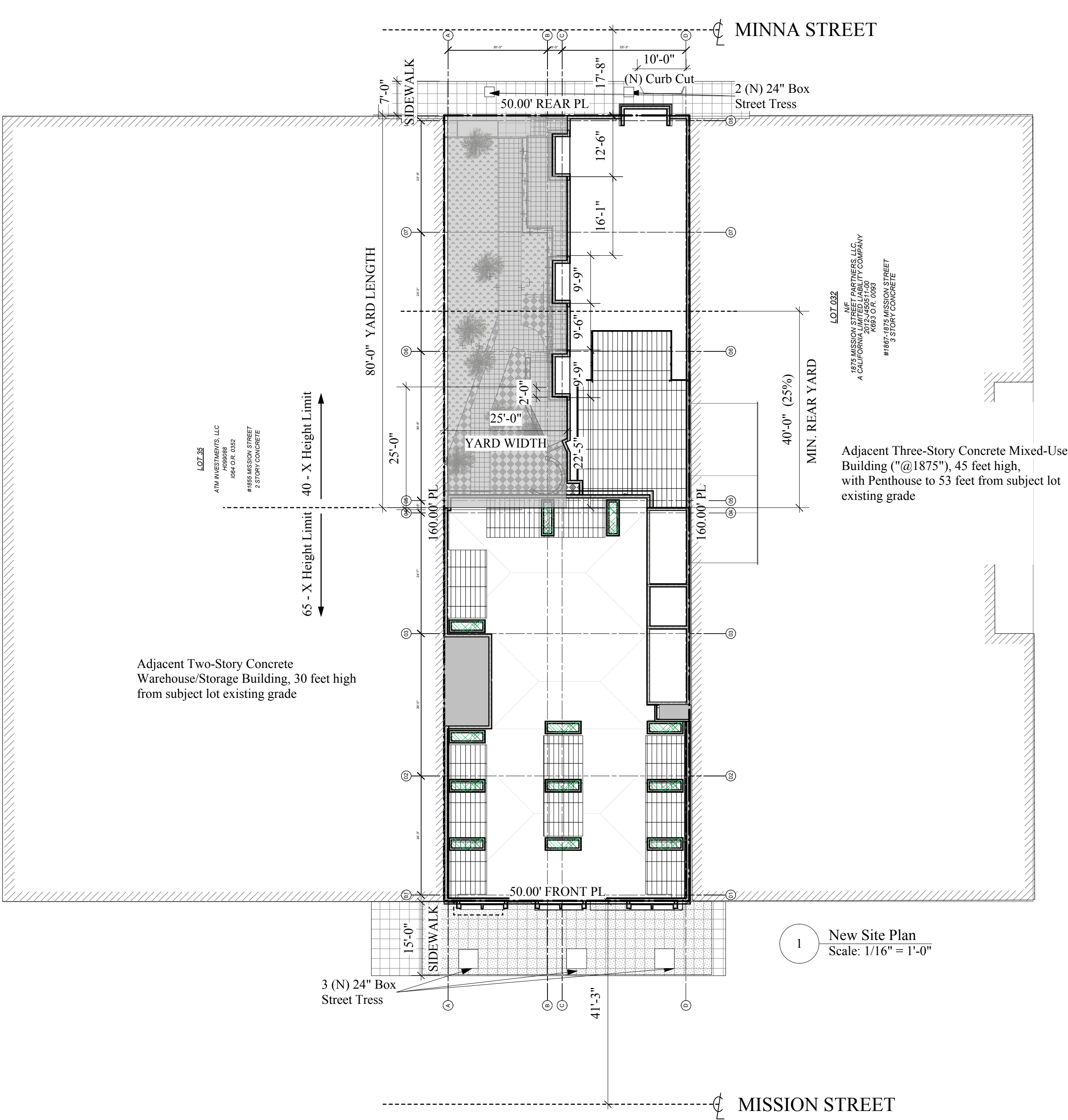
Planning Code Data	
Zone:	Mission NCT District
Neighborhood:	Mission
Height & Bulk District:	40-X / 65-X
Lot Size:	160 feet x 50 feet
Lot Area:	8000 square feet
Existing Use:	Vacant Lot
Proposed Use:	37 Unit Mixed Use Building w/ Retail & Parking Condo Mapped Rental Apartment Building
Below Market Rate:	BMR Units on-site: Unit 201 - 1 Bd, 1 Ba Unit 202 - Studio, 1Ba Unit 304 - 2 Bd, 1 Ba Unit 305 - 2 Bd, 1 Ba
No. of Proposed Parking:	16 Vehicular spaces 1 ADA Van Space
No. of Bike Parking:	37 Class One spaces on Basement Level
No. of Class II spaces:	6 Class Two on Sidewalk racks on Mission
Residential Open Space:	Minimum required(if private) - 37 units x 100 sf/unit = 3700 sq ft Min. amount req'd if all Common - 37 x 133 sf/ unit = 4921 sq ft
Total Private Open Space Provided	- 3 Private, Units 100,101,102: 300 sq ft
Total Common Open Space Provided	- 7 Common, 5th flr: 931 sq ft - 27 Common, Roof, 8th Lvl 3591 sq ft 4522 sq ft

BUILDING DATA:	
Gross Areas	
Basement	
Parking + Trash + Driveway	5045 sf
1st Level -Mission	
Retail [1425sf], Entry/Exit[1595sf]	3020sf
Residential - 1st Level	2377 sf
2nd Level	4660 sf
3rd Level	5515 sf
4th Level	5514 sf
5th Level	3770 sf
6th Level	3770 sf
7th Level	3770 sf
TOTAL GROSS Sq Fig	37,441 sf
[Bike Prkg - 470 sf]	
Residential (net area)	
1st Level	2377 sq ft
2nd Level	2989 sq ft
3rd Level	4702 sq ft
4th Level	4919 sq ft
5th Level	3261 sq ft
6th Level	3264 sq ft
7th Level	3264 sq ft
Subtotal Net Residential	24,776 sq ft

UNIT count			FLOOR
2Bd	Studio	1Bd	
1	1	1	1st Level-
1	2	2	2nd Level-
2	4	2	3rd Level-
3	4	1	4th Level-
2	3		5th Level-
3	1		6th Level-
3	1		7th Level-

UNIT Breakdown: 41 % 2 Bdrm (15ea)  
43 % Studio (16ea)  
16 % 1 Bdrm (6ea)

UNIT #	SIZE	Bedroom/Bath
Unit 100	= 810 sq ft	2 bdrm/ 2 ba
Unit 101	= 782 sq ft	Studio/ 1 ba
Unit 102	= 814 sq ft	1 bdrm/ 1 ba
*Unit 200	= 685 sq ft	1 bdrm/ 1 ba
Unit 201	= 488 sq ft	1 bdrm/ 1 ba
*Unit 202	= 514 sq ft	Studio/ 1 ba
Unit 203	= 432 sq ft	Studio/ 1 ba
Unit 204	= 870 sq ft	2 bdrm/ 2 ba
Unit 300	= 645 sq ft	2 bdrm/ 1 ba
Unit 301	= 500 sq ft	1 bdrm/ 1 ba
Unit 302	= 511 sq ft	Studio/ 1 ba
Unit 303	= 437 sq ft	Studio/ 1 ba
*Unit 304	= 562 sq ft	1 bdrm/ 1 ba
*Unit 305	= 758 sq ft	2 bdrm/ 1 ba
Unit 306	= 541 sq ft	Studio/ 1 ba
Unit 307	= 748 sq ft	Studio/ 1 ba
Unit 400	= 645 sq ft	2 bdrm/ 1 ba
Unit 401	= 504 sq ft	1 bdrm/ 1 ba
Unit 402	= 509 sq ft	Studio/ 1 ba
Unit 403	= 437 sq ft	Studio/ 1 ba
Unit 404	= 778 sq ft	2 bdrm/ 2 ba
Unit 405	= 758 sq ft	2 bdrm/ 1 ba
Unit 406	= 540 sq ft	Studio/ 1 ba
Unit 407	= 748 sq ft	Studio/ 1 ba
Unit 501	= 437 sq ft	Studio/ 1 ba
Unit 502	= 778 sq ft	2 bdrm/ 1 ba
Unit 503	= 758 sq ft	2 bdrm/ 1 ba
Unit 504	= 540 sq ft	Studio/ 1 ba
Unit 505	= 748 sq ft	Studio/ 1 ba
Unit 601	= 469 sq ft	Studio/ 1 ba
Unit 602	= 778 sq ft	2 bdrm/ 1 ba
Unit 603	= 758 sq ft	2 bdrm/ 1 ba
Unit 604	= 1259 sqft	2 bdrm+/2 ba
Unit 701	= 469 sq ft	Studio/ 1 ba
Unit 702	= 778 sq ft	2 bdrm/ 1 ba
Unit 703	= 758 sq ft	2 bdrm/ 1 ba
Unit 704	= 1259 sqft	2 bdrm+/2 ba



INDEX OF DRAWINGS	
ARCHITECTURAL	
A100	Building Data + Existing and New Site Plans
A101	Basement + Floor Plan Level 1
A102	Floor Plan Levels 2 & 3
A103	Floor Plan Levels 4-5
A104	Floor Plan Levels 6-7 & Roof Plan
A105	Elevations - North + South
A106	Front & Rear Elevations - West / Mission St Rear Elevation - East / Minna St
A107	Building Sections
A108	Renderings
GREEN BUILDING	
GB-1	Green Building Checklist Residential
GB-2	Green Building Commerical

APPLICABLE CODES:	
2016 California Building Code, 2016 Mechanical Code, 2016 Plumbing Code, 2016 Electrical Code, and 2016 San Francisco Building Code 2016 Editions of NFPA 13 sprinklers, NFPA 14 for Standpipes, NFPA 72 Fire Alarm, NFPA 20 Fire Pumps NFPA 24 for sprinkler underground	CONSTRUCTION TYPE : Type 3A over Type I (Fully Sprinklered) Seven Stories over Basement 5 stories Type 3A over 2 story Type I + Basement Type I 7 Stories of Occupancy Fire Sprinkler under Separate Permit OCCUPANCY CLASSIFICATION : R-2 / A-2 /B/ U
SCOPE of WORK:	
1) Construct new 7-story over Basement, 4 story Type 5A over Two-story Type I, mixed use building consisting of five floors of residential (36 dwelling units) over ground floor & 1 basement level on a vacant lot	

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NEW MIXED USE  
BUILDING  
37 - UNITS  
over Retail

3548 Block / Lot 033

1863 Mission Street

FOR  
1863 Mission LLC  
(415) 861-9200

REVISION	DATE
UDAT1	February 17, 2016
LPA 1	June 17, 2016
UDAT2	February 23, 2017
UDAT3	April 20, 2017
UDAT4	July 18, 2017
LPA 2	August 14, 2017
LPA 3	October 25, 2017



DATE

10/01/2015

SHEET TITLE

Existing + New Site Plans  
Building Data

SHEET NO.

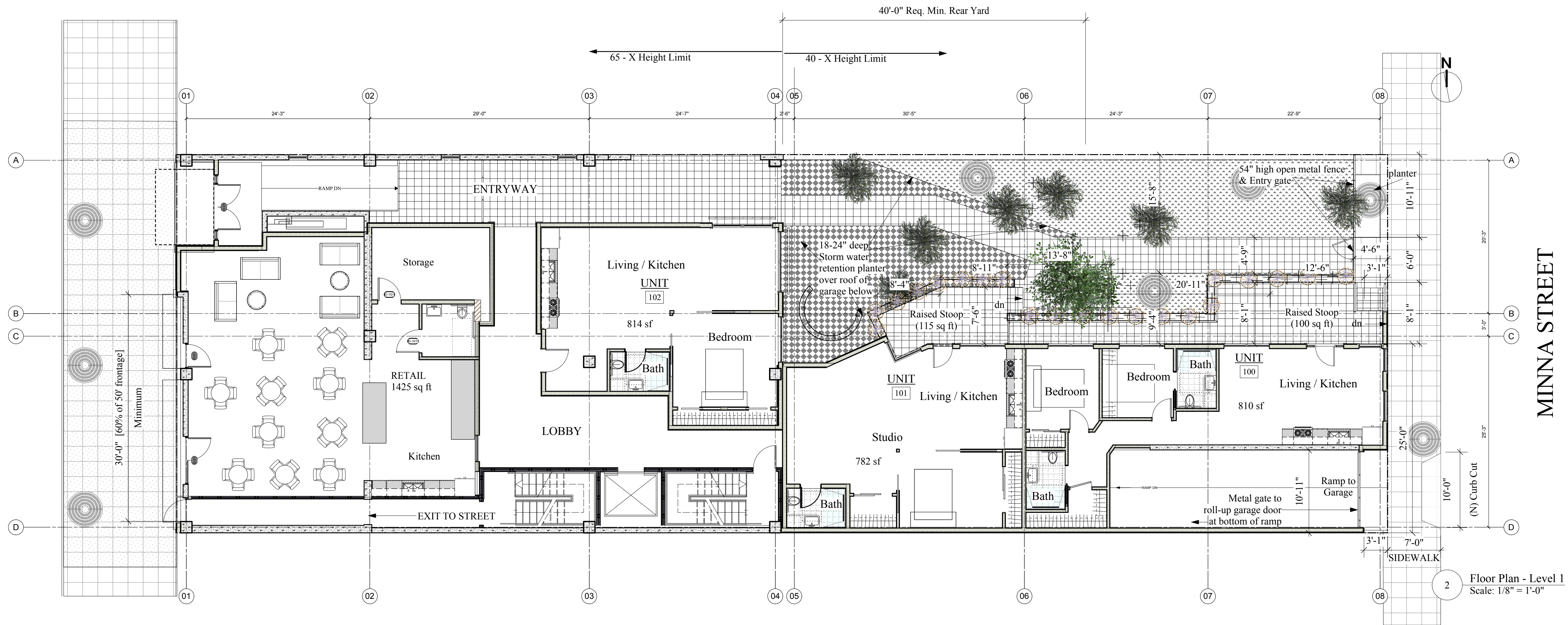
A-100



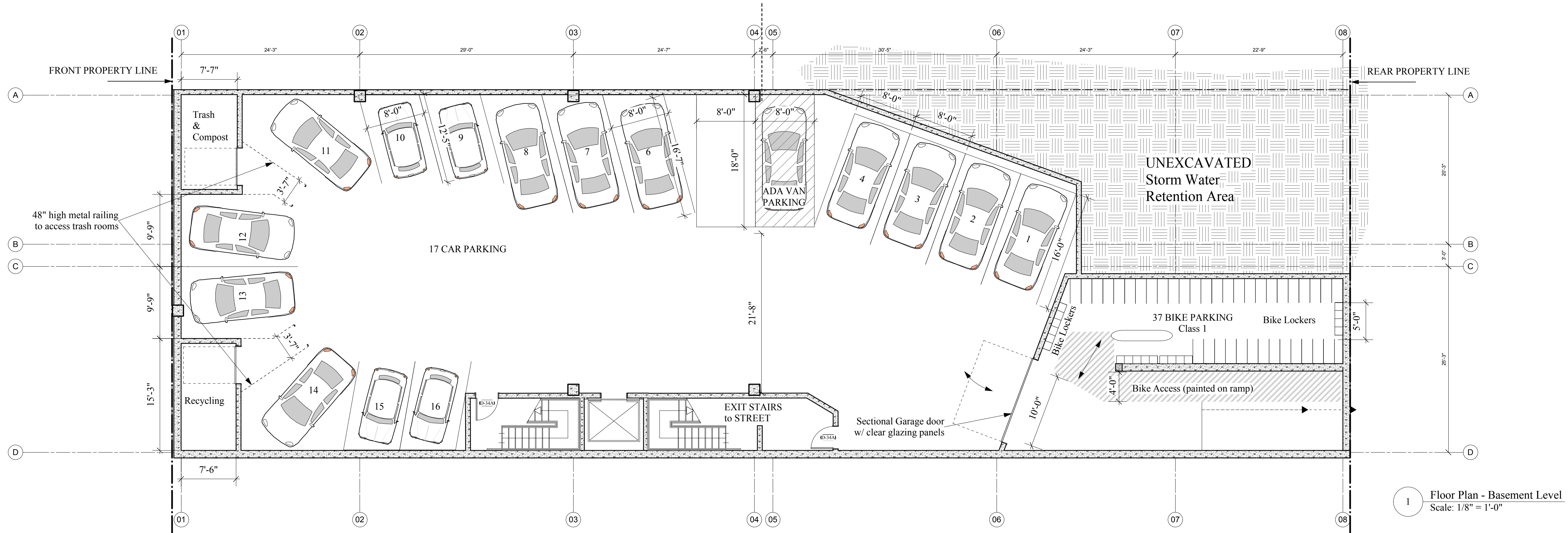
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MISSION STREET



MINNA STREET



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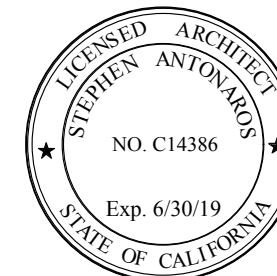
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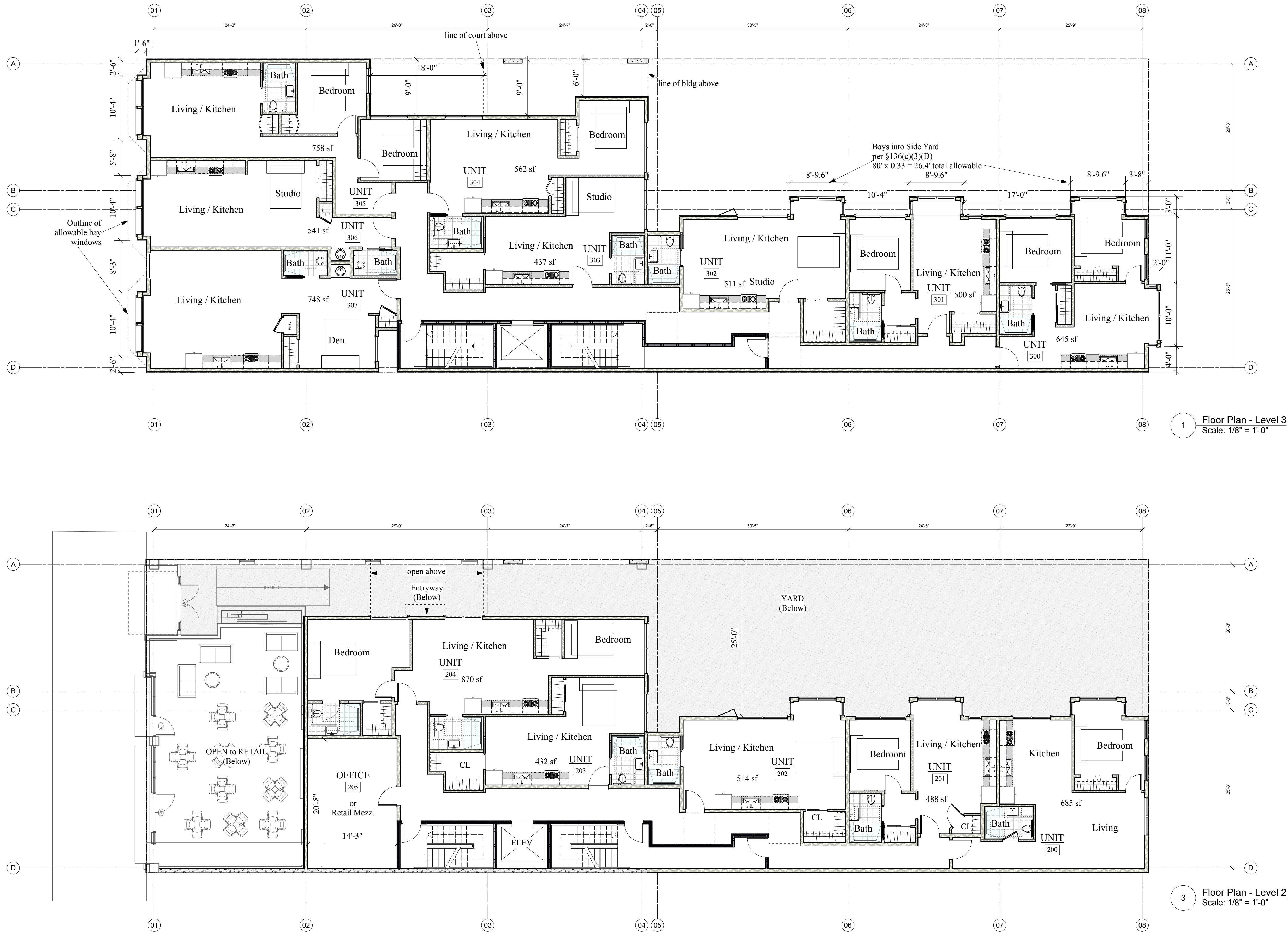
BUILDING SECTION &  
FLOOR PLAN  
LEVEL 1

SHEET NO.  
**A-101**



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1 Floor Plan - Level 3  
Scale: 1/8" = 1'-0"

3 Floor Plan - Level 2  
Scale: 1/8" = 1'-0"

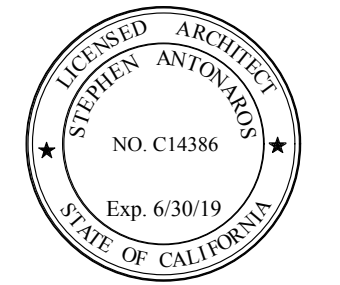
**NEW MIXED USE  
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37 - UNITS  
over Retail**

**3548 Block / Lot 033**

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SHEET TITLE

**BUILDING SECTION &  
FLOOR PLAN  
LEVEL 2**

SHEET NO.

**A-102**

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37 - UNITS  
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DATE

10/01/2015

SHEET TITLE

FLOOR PLANS  
LEVEL 3 - 5

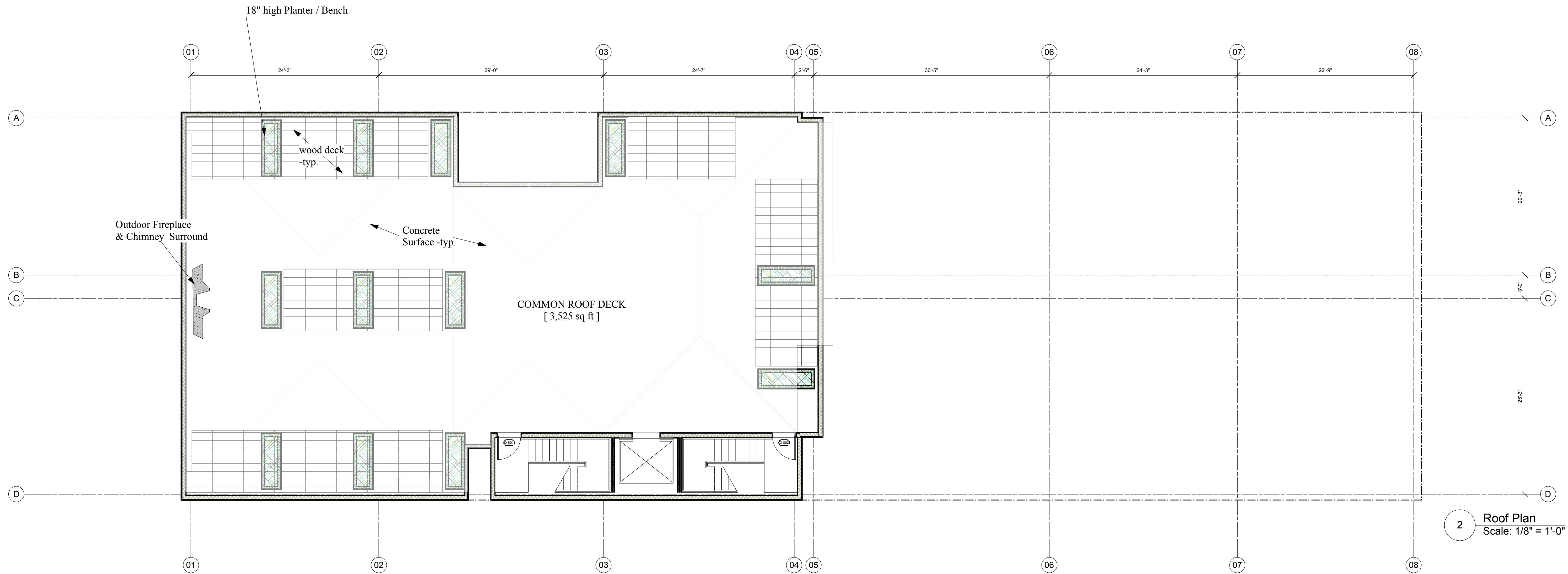
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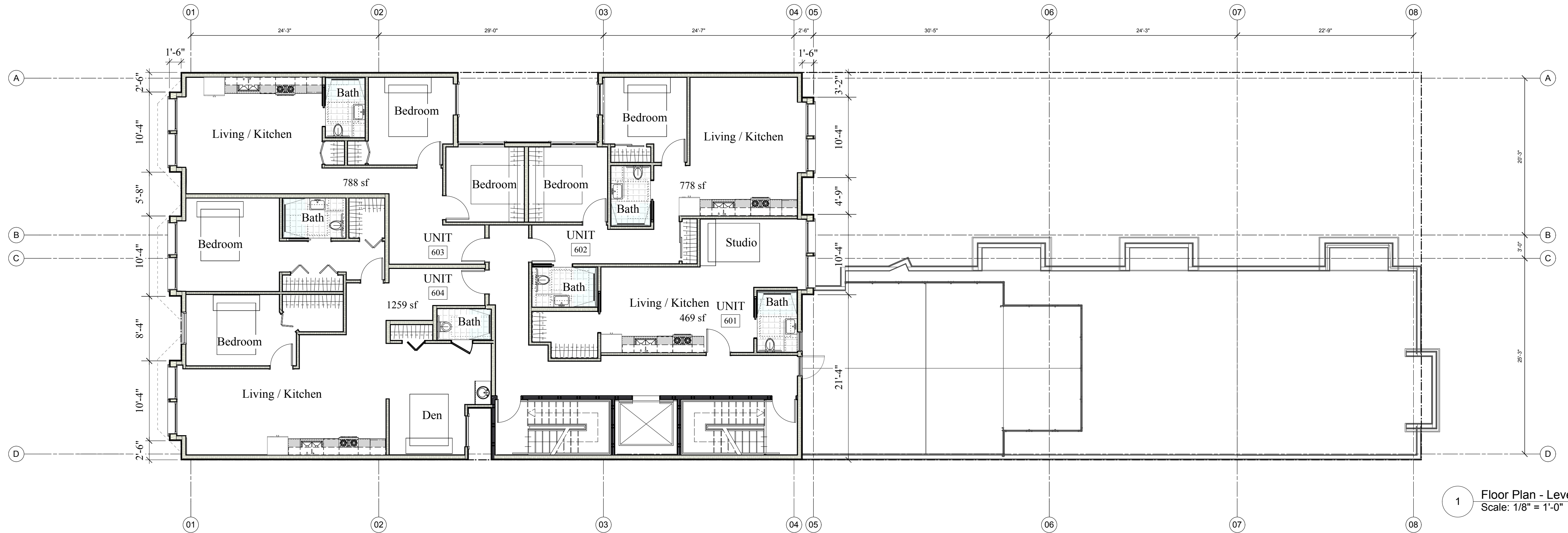
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2 Roof Plan  
Scale: 1/8" = 1'-0"



1 Floor Plan - Level 6-7  
Scale: 1/8" = 1'-0"

NEW MIXED USE  
BUILDING  
37 - UNITS  
over Retail

3548 Block / Lot 033

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SHEET TITLE

FLOOR PLANS  
LEVEL 6 - 7

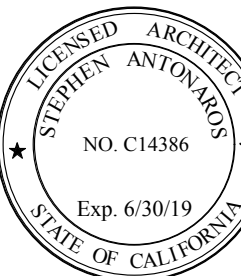
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A-104

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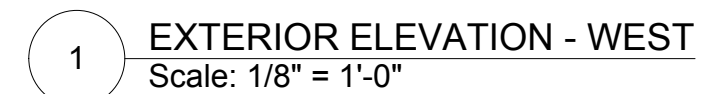
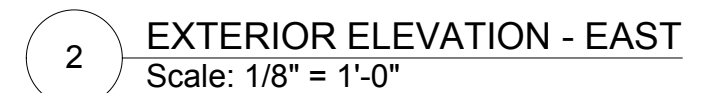
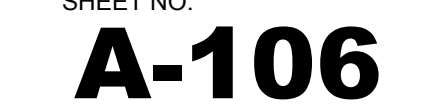
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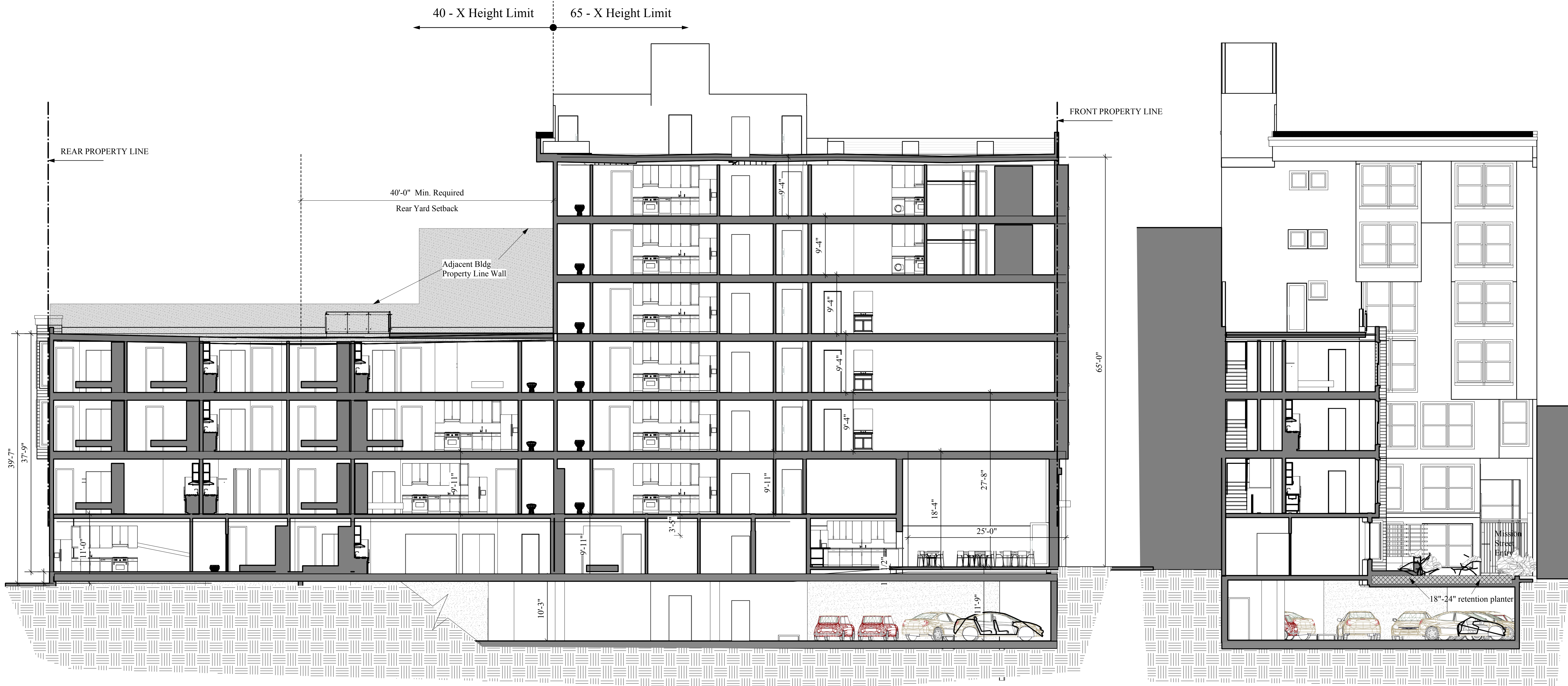




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**NEW MIXED USE BUILDING**  
**37 - UNITS**  
**over Retail**

**3548 Block / Lot 033**

1863 Mission Street

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DATE  
10/01/2015

SHEET TITLE  
**Building Section**

SHEET NO.  
**A-107**

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STATE OF CALIFORNIA



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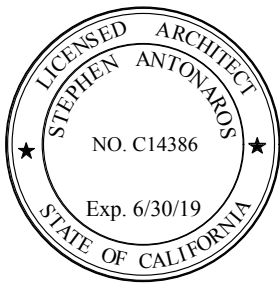
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Renderings

SHEET NO.

A-108





6"

1'-6"